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Robert Burrowes

AN ESSAY
ON THE
CATHOLIC CLAIMS,
&c. &c.

THE CATHOLIC CLAIMS

ADDRESSED TO

THE RIGHT HONOURABLE

THE EARL OF LIVERPOOL, &c.

AN ESSAY

BY THE RIGHT HONOURABLE

CATHOLIC CLAIMS

THE CATHOLIC CLAIMS

AND BISHOPS OF LIVERPOOL

LONDON

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AN ESSAY

ON

THE CATHOLIC CLAIMS,

ADDRESSED TO

THE RIGHT HONOURABLE

THE EARL OF LIVERPOOL, K.G.

&c. &c. &c.

BY THE RIGHT REV. JAMES DOYLE,
&c. &c. &c.

TO WHICH IS ADDED,
THE PASTORAL ADDRESS AND DECLARATION
OF THE ROMAN CATHOLIC
ARCHBISHOPS AND BISHOPS OF IRELAND.

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AN ESSAY

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TO
THE RIGHT HON.
THE EARL OF LIVERPOOL,

&c. &c. &c.

MY LORD,

It is with greater reluctance than I can easily express, that I address your Lordship. This reluctance arises from many causes, but first and principally from the indisposition which I apprehend exists in your Lordship's mind to a renewed consideration of the Catholic claims. My own incompetency also to treat the subject on which I write in a manner worthy of its importance ;

the censures, the rebukes, to which I may expose myself; and the doubts I entertain of any good eventually resulting from my labour—depress, if they do not weaken, those energies which I might otherwise bring to the discussion of great interests. Nevertheless, I think it necessary that some individual of our body should apply himself to the examination—and, if possible, to the refutation of those arguments which are still urged, with some degree of plausibility, against the prayer of his Majesty's loyal and devoted Irish Catholic subjects. These arguments are somewhat different, at least in form, from what they used to have been; they partake more now than formerly of a theological character; and hence, whoever attempts to reply to them, requires a more extensive acquaintance with ecclesiastical matters than those who conduct our political interests can be well supposed to possess. This duty then,

supposing it to be such, would naturally devolve on him who, not without great pain to himself, has been more frequently mentioned or alluded to in the late parliamentary proceedings connected with our question, than any other of his more fortunate and more deserving colleagues. In addressing your Lordship, I am not actuated by any ambition to attract public notice, by connecting my feeble effort with your Lordship's distinguished name, but I have presumed to lay my arguments before you on account of your exalted station, your influence in his Majesty's councils, as well as in the minds of a large portion of your fellow-subjects; but above all, because your Lordship appears to me the most able and, apparently, the most upright of those who are opposed to the concession of our claims.

I am far, very far, my Lord, removed from

the opinion of those who attribute to your Lordship unworthy motives as actuating you in the adoption of the course you think proper to pursue with regard to us. I know that when the mind is in doubt, when the judgment is vacillating, that human considerations may incline the most virtuous to one side rather than another : that in such a state the ablest men may overlook some arguments which are opposed to their former habits of thought, and dwell upon others which are less weighty or conclusive, but which are more congenial to their interests or feelings. It has not escaped my observation, any more than it has the criticism of those who censure or condemn your Lordship, that you have remained in office with very different colleagues for a long series of years ; that you have, and more particularly when regulating the colonial department, manifested something like a spirit of hostility to our religion

—that your Lordship's opposition to our claims assumed a more than usually warm and decided tone at a period when a coalition, new in its appearance, and unexpected, was formed between the Court and the Church against us—when the stability of the present dynasty, and the very existence of the constitution were, in the heat of party councils, held forth to the public as dependant upon the rejection of the bill for our relief. In these very novel and critical circumstances, I cannot help recurring to such considerations, particularly after your Lordship had taken so conspicuous a part in upholding a religious society, which in Ireland, whether justly or otherwise, is considered as a seminary for the propagation of discord between Catholics and Protestants. But notwithstanding all this, I can assure your Lordship, that I sought in my own mind for reasons

to justify you from charges which other persons would not palliate ; and that I did not cease to consider your Lordship as a minister of more than ordinary integrity, and a nobleman of great public and private worth. Did I not entertain those opinions I would not, humble though I be, condescend to address the arguments which follow, to your consideration ; as no station or rank should, in my opinion, entitle a corrupt minister to such deferential notice ; besides, that to such a man, any arguments which I could offer, would be presented in vain.

Your Lordship's time is precious : you have no leisure to bestow on what is irrelevant to such subjects as it may be your pleasure or your duty to consider ; you are fond of order and precision : I shall therefore proceed to state and to discuss the chief objec-

tions which within the doors of parliament or beyond them are now made to a bill for our relief.

I have the honour to be,

My Lord,

Your Lordship's most obedient

And most humble Servant,

✦ JAMES DOYLE.

AN ESSAY
ON THE
CATHOLIC CLAIMS.

SECTION I.

Definition of Allegiance.—Extent of it as due by Catholics, by Dissenters, and by the Members of the Established Church, to the Government. Probable Cause why the Allegiance of Catholics is said to be divided.

FIRST, and above all, it is objected that our allegiance is divided.

This proposition has been so expressly asserted on the one side, and so emphatically and confidently denied upon the other, that some misunderstanding with regard to what is

meant by allegiance, most probably exists. Locke, in his treatise on the Human Understanding, mentions the ludicrous consequences which not unfrequently occurred in his time from the abuse of words, or rather from disputants not defining accurately, or understanding rightly, the subjects on which they differed. Cicero, in like manner, says, as I recollect, “*Omne, de quo disputatio instituitur, a definitione debet proficisci ut intelligatur quæ res sit de quâ disseritur.*” It may then be wise, in accordance with the opinions of those great men, to define what is meant by allegiance. I pass by the definition or description of it, as given by Blackstone, which is known to all, and adopt that of Doctor Johnson—a definition probably as ample and as accurate as any which could be selected or devised. He says, “Allegiance is the duty which subjects owe to the government.” The lexicographer justifies his definition by quotations from Shakespeare and Clarendon, than whom there could not be found many others more deserving of respect,

as authorities with regard to the force of language; and the latter, particularly as to the significancy of a term, for which, it is well known, he felt a superstitious devotion. But I am willing to go farther than Clarendon, and without embarrassing myself with the political doctrines of these days, to take a leaf out of the books of Filmer or Usher, and to abide, for the sake of my argument, by their definition of the word.

“A duty which subjects owe to the government!” If by the government we are to understand the king, in whom the executive power of the state is lodged, Catholics do not withhold from him any duty to which by the laws of the realm he is entitled. They admit, like other subjects, even that prerogative of his Majesty, by which he is recognised as the supreme head on earth of the Church of the united kingdom, as the same is established by law; and though they themselves do not belong to that Church, they, as freely and as willingly as the members of the Kirk of Scotland, or as any other body of

Protestant dissenters, pay to his Majesty whatever duties the law requires that they should pay to him in capacity of head of that Church. The law which sanctions their dissent from the doctrines of the Established Church, permits them not to believe that the king has spiritual jurisdiction; and if their dissent be thus sanctioned by the law, there is no division of allegiance or breach of duty in the withholding of it. We do not, undoubtedly, deny that “his Majesty should, in all temporal matters, (and “the law does not seem to require more,) rule “all estates and degrees committed to his “charge by God, whether they be ecclesiastical “or temporal, and restrain with the civil sword “the stubborn and evil doers.” We do not, whether we be laymen or ecclesiastics, seek to withdraw ourselves, under any pretence, or for any purpose whatsoever, from this lawful power of his Majesty; and if we do not recognise a spiritual jurisdiction in the crown, our dissent in this matter is sanctioned by the law itself. In this view of the case then, we appear to be

justified in saying, that our allegiance is not divided; or, in other words, “that we pay to “the government the duty which we owe to it “as subjects.” Were we members of the Church of England and Ireland, as by law established, we might have new and other duties to perform to the supreme head of that Church; but as we are not, we may be allowed to think, that the non-performance of such duties is not a proof of our allegiance being divided.

This allegiance of ours may not be as extensive in its objects, as the allegiance of those who profess to obey the sovereign in spiritual as well as temporal things; but it seems to me to be as full and as perfect as that of any class of dissenters; because, whilst with them, we refuse to recognise the king as the head of our Church, we cheerfully concur with them in acknowledging him to be the supreme head on earth of the Established Church. It is only when the duties of those who profess the religion of the State are made the standard of the

duties of his Majesty's other subjects, that the allegiance of the latter can, in any sense, be considered as divided. It may then be from a want of attention to what is peculiar to the Established Creed, that the imputation proceeded; but, undoubtedly, though it may be admitted that dissenters of any kind do not pay so comprehensive an allegiance to the king, as is paid by the members of the Church of England and Ireland, it by no means follows, that the former do not pay to his Majesty all the duties which by law are required of them. Nor should it be forgotten, that if dissenters do not acknowledge him who is the head of the State, to be also the head of their respective Churches or Congregations, they forfeit for their incredulity, as is clear from the test and corporation acts, much of that favour and protection which is afforded to those whose religious belief embraces the tenet of regal supremacy. Of these, however, we may say, *non invideo quidem*, we do not envy them, we are not jealous of them; let them possess in peace their immunities and pri-

vileges, and continue to enjoy the sunshine of courtly favour; we are only anxious to rank amongst other dissenters, and to wipe away from ourselves the distressing imputation of divided allegiance.

SECTION II.

Obedience of various Kinds compatible with Allegiance.—Whether the Obedience due by Catholics to the Pope interferes with the Duties which they owe to the Government.—The Objections of their Adversaries stated.

THERE is another ground upon which this charge is sustained, and it is this :—that as we obey the pope in spiritual matters, we cannot pay to the government the duty which, as subjects, we owe to it. We, Catholics, think otherwise. Let our reasons for thinking so be dispassionately considered. It is, in the first place, quite clear that to pay obedience to some per-

son who is not the sovereign, does not *of itself* imply any division of allegiance, for we are all obliged to obey Almighty God, to obey his law, to obey the dictates of our own conscience, to obey our parents, to obey our civil, military, or ecclesiastical superiors; this truth is not disputed. We may therefore assume that it is consistent with our allegiance, or the duty we owe the government, to pay obedience to whomsoever it may be lawfully due. The difficulty then arises on the part of the persons to whom the obedience is paid, or from the extent or qualities of it; but not from the nature of the obedience itself. We are all bound to obey Christ as our Redeemer and Mediator, as the head over all the Church. This obedience does not interfere with our allegiance. Well then: we, who esteem the pope as his vicar on earth, appointed to execute his laws, are, on that account, bound to obey him, according to the terms of the commission given to him by Christ. We have this commission before us—it is as well known to us as to the pope—we know

that his power was given not to destroy, but to build up; and hence, should he exceed its limits, or abuse it, we are not only permitted, but obliged, to resist him, as well for our own safety, as for his correction. Thus our obedience to him is not blind, but reasonable, such as St. Paul desires it should be; and unless the obedience due by us to Christ, as head of the Church, can divide the allegiance which we owe to our sovereign, that which we owe to the pope cannot divide it. The circumstance of the pope being or not being a subject of his Majesty, does not affect this principle in the slightest degree; for whether he resided at Whitehall, or on the Vatican-hill, his power and authority would be confined to the same objects, and bounded by the same limits. The paying obedience then to the pope as to a person commissioned to administer the laws of Christ, if considered in itself, and unconnected with abuse of any kind, has nothing in it which divides our allegiance, unless, as has been already observed, our obedience to Christ himself should

be supposed to divide it—a supposition not to be admitted by a Christian.

The question then resolves itself into this : whether the obedience due by Catholics to the pope be so defined at present, and so well understood by us, that it cannot interfere with the duties which, as subjects, we owe to the government. If in its operation it be connected with uncontrollable abuse ; if the power of the pope, as recognised by us, acting upon our minds, can induce us to withhold from the government any duty which is required of us by law ; if it can excite or induce us to do, or to refrain from doing, any act which the law requires of us, as good subjects, to perform—then do I freely admit that the charge of divided allegiance is well-founded ; but if not, if the case be otherwise, then allow me to implore your Lordship, in the name of truth and justice, to remove the imputation which has been cast upon us.

As far, my Lord, as I have been able to collect the opinions of those who consider our spiritual obedience as detracting from our duty to the State, they rest them on this supposition, namely, that we recognise in the pope a power to interfere directly or indirectly with the rights of our sovereign, whether this power be, in the opinion of Catholics, derived to him from the word of God, or from certain decrees or canons of councils admitted by them as obligatory, or which may be rendered so by the will or authority of the pope himself. I think this a fair statement of the opinion of our adversaries. This opinion, however, *we* reject as unfounded; we consider it unjust and untrue, and we unequivocally declare, that so far from admitting it, we maintain the contrary, to wit:—That the pope has no power to interfere directly or indirectly with the rights of our sovereign, whether from the word of God, or from any decrees or canons of councils which either are, or can be rendered obligatory upon us.

SECTION III.

The Catholic Doctrine, asserting the Independence of the Secular Power, proved from the Old and New Testaments.—The Extent and Limits of the Right which Catholics possess of interpreting the sacred Scriptures, and judging of their Sense.

WE consider the constituted authority in every State, whatever form it may assume, as derived from God, and totally independent of the pope, or of any other authority whatsoever, except only such authority as the constitution itself of any State, may recognise as the immediate basis or source of its own power. We are warranted in this opinion by the word of God himself, who, speaking in the Book of Proverbs, (8 chap. xv. and xvi. v.) says: “By me kings reign, and the makers of laws decree just things: by me princes rule, and the powerful decree justice.” The prophet Daniel also,

(ch. 2. v. xxxvii.) speaking of Nabuchodonosor, though a heathen, declares, "The God of heaven gave to thee a kingdom, and strength, and empire, and glory." So Saint Paul, in his letter to the Romans, (ch. 13. v. i. and ii.,) says: "Let every soul be subject to the higher powers, for there is no power but from God;" and v. 4., speaking of the chief magistrate, he observes, that "it is not without cause he carries the sword, for he is the minister of God, and avenger against him that doeth evil." And St. Peter in like manner, in his first epistle, (ch. 2. v. xiii.,) addressing the faithful, says: "Be subject to every human creature for God's sake; whether to the king, as most excellent, or to the rulers, as sent by him." These passages from the word of God, point out the source, and prove the absolute independence of the civil power; nor have they, to my knowledge, been ever called in question. It is next to be ascertained, whether our Redeemer has himself assumed, or exercised, or assigned to any other, a right to interfere with the authorities of prin-

ces and governments, thus expressly recognised as derived from the Almighty himself.

It would appear to be in some degree injurious to our Lord to inquire whether his kingdom was of this world ; because he has himself so expressly stated (John 18. v. xxxvi.) that it was not, and that if it were, his subjects would strive that he might not be delivered up to the Jews. He who complained (Mat. 8. v. xx.) that the foxes had their holes, and the birds of the air their nests, but that the Son of Man had not a place to lay his head ; he who disclaimed all right to divide a contested inheritance between two brothers, on the grounds of his not being appointed a judge between them ; he who obeyed the edict of Cæsar ; he who fled the persecution of Herod ; he who paid tribute, and commanded it to be paid ; he who fled from those who would proclaim him king ; he who recognised in Pilate the divine origin of that power over himself, which that judge impiously abused ; he undoubtedly did not come to inter-

fere with the rights of kings or states, but to bear testimony to the truth, and to establish a kingdom not of this world; a kingdom which would embrace the citizens and sovereigns of all states, leaving their forms of government, as well as their rights and privileges, undisturbed.

The Lord, who thus depicts the power which he was pleased to assume and exercise, when he commissioned others to extend his kingdom, only authorized them (Luke 22. v. xix.) to imitate his own example—to preach the doctrine, and administer the sacraments, which he had revealed or instituted, (Mat. 28. ch. xix.v.)—to bind or loose the sinner, (Mat. 18. xviii. ;) or eject him from their society, (Mat. c. 18.v. xvii.) And when he appointed Peter to be, after himself, the rock on which his Church should stand; to hold the keys of his kingdom; and to feed his entire flock; he was pleased also to inspire him to teach his brethren and successors, that they should not domineer over the faithful, but be made a pattern to the flocks from the heart.

Showing, as St. Bernard observes, (in his second book, ch. 6. *De Consid. ad Eug.*.) that it was not an arbitrary sway, but a parental solicitude, which Christ gave to his vicar, clearly forbidding to him all worldly domination. Hence it is that St. Augustine (*Tract 115 in Joh.*) exclaims: “Hear ye, all the kingdoms of the earth, I hinder not your rule, I interfere not with your government in this world, my kingdom is not of this world; what more do ye desire? Come to the kingdom which is not of this world—come to it by believing, and cease to assail it by your cruelty.”

There is, my Lord, no trace that we can discover in the words or conduct of our Lord, or in the commission given by him to St. Peter or to the apostles, which would warrant us in attributing to the pope any authority whatever to interfere with our duties to the State; nay, we find the contrary clearly and solidly established. But it may be said, that we have no right to exercise our judgment as to the meaning of those

texts of Scripture which I have quoted, and that we are obliged to reject them altogether, if it should please the pope to disapprove of the meaning which we attribute to them, or to assign some meaning entirely different from that which they express. This, my Lord, is a gross and unwarrantable mis-statement of our doctrine, practice, and duty. The pope has no arbitrary power over us, still less has he the right to pervert the meaning of the word of God, or compel any person to go along with him in error. Did he abuse his power, or swerve from those rules which are established in the Church alike for him and us, our duty would be not to imitate his fault, or participate in his error, but to correct or amend him, as our fathers have done his predecessors. The right which we possess of judging as to the meaning of the holy Scriptures is limited, but not annulled.—We who are bishops are authorized by the very words of the commission given to us at our consecration, to judge, but according to the canons ; to teach and to interpret the sacred Scriptures, but

not contrary to the unanimous sense of the holy Fathers; nay this latter is the only restriction imposed by the council of Trent, and by the creed (so called) of Pope Pius, upon all those who read the word of God.

Whatever is expressly *defined, declared, and proposed*, to all the faithful, with and by the consent of the pope, and bishops throughout the Church, whether assembled in council or otherwise, this to us is a decree or definition which we cannot reject or impugn; nor can we interpret the Scriptures in a way which would clash with such definition, more than we could assign to them a meaning contrary to that in which they have been understood unanimously by those great lights of antiquity, who lived near the times of the apostles; men who seem to have imbibed the spirit of those apostles themselves, in the elucidation of divine truth, and the practice of the most heroic virtue; but, except the salutary restraint thus imposed on our wayward judgment, we know of no other. There

is nothing else to restrain or limit our judgment. If we only exercise it within the boundaries fixed by the wisdom of our fathers, we are responsible for our opinions only to the searcher of our hearts. If these opinions be promulged, and found contrary to what is defined from the word of God, as it has been taught and believed in the Church from the beginning, we shall be made to account for them before a competent tribunal; they will be examined dispassionately, and approved or condemned as they may be found to agree with or differ from that standard to which I have referred. Whether it be a pope or a council who preside at this trial, there are rules and precedents to which they must strictly adhere. With us there is nothing despotic, nothing arbitrary, nothing dependant on the will or caprice of individuals.

I have submitted these observations in order to show the full force of that rule *in necessariis unitas, in dubiis libertas, in omnibus charitas*, which first promulged by St. Augustine, is adopted in its fullest sense by every Catholic in

the universe ; a rule by which nations and individuals in our communion are governed, when they adduce proofs of any opinion which they may think it their duty to maintain.

SECTION IV.

The Catholic Church at no Period held or taught that the Pope possessed a Power to interfere either directly or indirectly with the Rights of Kings or States.—Proofs of the opposite Doctrine adduced from various Sources, especially from the Writings and Conduct of several eminent Popes.—The Bull, Unam Sanctam, noticed.

THE Catholic Church, my Lord, has never defined, declared, and proposed to the faithful, in any shape or form, through those organs by which she speaks to her children, that the pope has or ought to have any power, direct or indirect, over the temporal rights of sovereigns or states ; it is therefore an opinion which Ca-

tholic nations and individuals have found it their duty, as I find it mine, to impugn and to oppose. In order to show that the rejection of this doctrine by the Irish Catholics, is not, as has been sometimes insinuated, the fruit of their desire to participate in the blessings of that constitution, from which the imputation of it contributes to debar them, I shall briefly enumerate those authorities with which we are allied in maintaining the absolute independence of sovereign power in the State. Those names which I am about to cite, are the names of men who had no interests so dear to them as the interests of truth ; no desire so strong as that of upholding the doctrine of Christ, and propagating his Gospel to the ends of the earth. Men, some of whom could promote their temporal interest, their pride, and their ambition, (were they subject to such vices,) by advocating opinions contrary to those which they upheld ; but what perhaps is chiefly deserving of notice is, that saints, and popes, and nations the most orthodox, are ranged upon our side ; so true it is that our

opinions, so far from being opposed to the doctrine of the Catholic Church, are taught and held by her most distinguished members, by nations and kingdoms, by princes, priests, and prelates, eminent alike for the purity of their morals and the integrity of their faith.

St. Ireneus, the bishop of Lyons, who lived in the apostolic times, and was distinguished for learning and the most Christian virtue, did not discover that temporal power was subordinate to any other; he assigns its origin, and whatever belongs to it, entirely to God.—Lib. 5. ch. 24.

Athenagoras agrees with him in his Apology for the Christians addressed to the emperors, and Justin, (Apol. 2,) pleading the same cause; he thus addresses the latter: “ We urge, agree-
“ ably to the doctrine of Christ, that tribute be
“ paid to your officers. We adore only God,
“ but in all things else we serve you with joy,
“ confessing you to be the rulers and princes of
“ men, and praying at the same time, that along

“with your power, you may be found to possess wise councils.” Theophilus of Alexandria (Lib. 1. ad Antilogium) found at the close of the published works of St. Justin, together with Dionysius, bishop of the same city, quoted by Eusebius, (lib. 7. c. x.,) teach a like doctrine. Tertullian in his Apology (c. xxx.) is equally explicit; he says: “The Christians know who gave the empire to the Cæsar; they know it was God himself, to whose power they are subject, second to whom they are, after whom they are first.” And in his book, ad Scapulam, (c. ii.,) after dilating on the virtues of the Christians and their devotion to the State, he adds: “We worship the emperor as it befits him, and as it is lawful for us, to wit, as a man next to God, dependant for what he possesses on God, and inferior only to him.” These men lived in the times of persecution, and are unimpeachable witnesses of the doctrine of Christ, as held in the earliest ages, so far as it affected the temporal rights of kings. Let us hear a few, and only a few, of the same description, who lived

at a period when the circumstances of the Christians were altered, but when many of the emperors were far from being friendly to the Church. Saint Optatus (lib. 3. Cont. Parm.) writes: "The emperor has no superior but the God who made him emperor." Osius of Cordova, cited by Athanasius, (tom. 1. p. 371,) addresses the emperor, saying: "To thee God gave the empire, to us he intrusted the concerns of the Church." St. Aug. (lib. 4. de civ. Dei. c. xxxiii.) declares "that God, the Author of truth and happiness, gives earthly kingdoms to the good and to the bad." But this Father does not stop here; in the same work he says: "*We do not assign the right of giving kingdoms or empires unless to the true God.*" And St. Epiphanius (Her. 40. n. iv.) asks, "Dost thou see how this power of the world is established by God, and obtains of him the right to use the sword?"

But if it would be insufficient for my purpose to show the independence of government, and that the authority of God, or of the people,

where the constitution of a State recognises them as the source of power, is the only authority to which a government is amenable; it is also necessary that I should prove with equal clearness, that the Church, or those who administer her laws, have no authority whatsoever to interfere with the temporal rights of states or sovereigns. Origen, (tom. 2. p. 118,) commenting on the words of our Lord, in Mat. 26. c. "Put up thy sword into its scabbard," Tertullian, (lib. ad Scapul.) Lactantius, (lib. 5. c. xx. div. Inst.) St. Ambrose in his Commentary on St. Luke, (lib. 19. n. 53.) St. Augustine, (lib. de fid. et operibus, c. ii.) and St. Cyprian, (epis. 11,) teach with one accord, that the arms of the Church of God are only the arms of peace, that religion *cannot be enforced by violence*, nor defended unless by patience; that until the time of Christ, the sword might be used, but that since he appeared, another spirit prevails amongst the people of God. St. Chrysostom teaches the same doctrine at great length, especially in his Commentary on the Words of

Isaias, (ed. vet. tom. 3. p. 573,) and the following. Indeed the doctrine of unqualified submission to the ruling powers was so expressly taught in those times ; the unbroken silence maintained by the earliest Christian writers respecting any claims on the part of the Church to interfere with the temporalities of kings or states, is so well ascertained, that to produce detailed proofs of it, would be but a waste of argument, or a useless display of knowledge and research. What may justly be deemed important, is to ascertain what, in these remote times, were the doctrines of the Church of Rome herself, and of her pastors.

St. Athanasius (tom. 1. p. 371) introduces to us Osius, the celebrated bishop of Cordova, addressing the Emperor Constantius, and explaining to him, with the freedom which became a Christian bishop, and the respect which was due by a faithful subject to his prince, what the extent and limits of the ecclesiastical and civil authorities were. The opinions of Osius are of

themselves justly entitled to the highest consideration, as he and Vincent of Capua were, during a great part of the fourth century, the most distinguished prelates in the Western Church. But what renders his authority of still higher value, is, that he had been the delegate of the Holy See to several councils, over which he presided in the place of Pope Sylvester, at the great council, for instance, of Nice; and that until a late period of his life he was deemed the representative, the champion, and the organ, of the Church of Rome. He, without doubt, spoke the doctrine of that Church to the emperor, when he said: “Do not interfere in ecclesiastical matters, nor send to us commands respecting them, but rather learn of us what relates to these things. To thee God intrusted the empire; to us, the concerns of the Church; and as he who wrests the empire from you, opposes the ordinance of God, do thou take heed, lest if you take upon you the business of the Church, you do not become guilty of a great crime. It is written, give

“ unto Cæsar the things that are Cæsar’s, and
“ unto God the things that are God’s.”

We find Pope Galasius treading in the footsteps of his predecessors, writing to the Emperor Anastasius, (ep. 8,) after pointing out the source from which all authority is derived, and the nature of those duties which different offices impose, he uses those memorable words: “ If, as
“ far as the rule of the commonwealth is concerned, the heads of religion obey thee, knowing the empire has been conferred on you by
“ divine Providence, with what pleasure ought
“ obedience to be paid to them (in their office)
“ who are appointed to dispense the venerable
“ mysteries.” Pope Symmachus (Apolog. adv. Anast.) sums up in a few words whatever relates to the distinction of the civil and ecclesiastical authorities, saying: “ Human or temporal concerns are administered by you—divine or spiritual things by us.”

But this doctrine continued unobscured for

centuries. Gregory the Second,* than whom no man could receive more unmerited ill-treatment, or manifest to his sovereign a more inviolable fidelity, writes as follows to the Emperor Leo, the Isaurian, " Ecclesiastical insti-

* This excellent pope was grievously defamed by some Greek writers, such as Theophanes, Tonaras, and Cedrenus, who charged him with preventing the Italians from sending to Constantinople the usual taxes or tribute: but the truth is, that at this period, being almost the close of the seventh century, and the beginning of the eighth, the barbarians had possessed themselves of nearly all Italy; scarcely any taxes could be raised, and those which might be raised were insufficient to defray the current expenses of the imperial administration. The few cities which still paid a sort of precarious allegiance to the ephemeral chiefs of a decayed empire, could with great difficulty defend themselves against the warlike hordes who constantly besieged their very gates. These cities had neither the will nor the power of sending tribute to the degenerate Greeks at Constantinople, and hence the com-

“ tutions (says this pope) have one origin,
“ secular concerns have another; for as the
“ chief pastor has not the right of looking within
“ the palace, or interfering in the business of
“ kings, so the emperor has not a right to pry

plaints of the latter against a pope, but for whom all title and claim of their emperor would have been long before extinguished. So far, however, was Gregory from deserving the imputation cast upon him, though in the circumstances in which he was placed, the very charge alleged by these Greeks against him would, if verified, have only enhanced his merit; but so little was Gregory disposed to withdraw from the allegiance due to his sovereign, or to invade his rights, that he most explicitly recognised them, and proved, not only by words, but by works, his unshaken fidelity to the empire. Paul the deacon, a writer of this time, (*lib. 6. de gestis Longobardorum, c. 49.*.) states expressly, that the army at Ravenna, and the forces throughout the Venetian territory, would have revolted, and elected an emperor of the West, but that they were dissuaded from doing so by this very pope. Anastatius, the librarian, in his

“into ecclesiastical concerns.” So pope Gregory, usually styled the Great, on account of his eminent piety and learning, as well as his admirable talent for business, when he had received a mandate from the emperor Maurice,

Life of Gregory, not only does not state this charge, but he states most explicitly, that the Italians were induced to continue in their allegiance by his influence. Indeed he adds a very curious fact, that the Emperor Leo, excited by the religious disputes which then prevailed respecting images, disputes which engaged all his attention, whilst his throne was tottering, sent an agent of patrician rank to Rome, with private instructions to assassinate Gregory, who would not be converted; and that when this wicked design had been discovered, the emperor's nefarious delegate was preserved from the fury of the populace only by the extraordinary exertions of the pope. This same historian narrates, with great beauty and simplicity, the charity, the prudence, and the moderation, exercised by this pontiff, in seeking to dissuade the unhappy Leo from interfering with the religious belief of his subjects.

to publish a law which trenched upon privileges already granted to the Church, but which law, on other grounds, appeared to be unjust, yet this pope obeyed the mandate of his sovereign; and when he had done so, addressed him as

Finally, when this admirable pontiff was persecuted, at the desire of the emperor, by Eutychius, the exarch of Ravenna, and when the Romans and Longobardians offered to die in his defence, the historian now quoted assures us, that he had recourse only to alms-deeds, prayers, and expostulations; encouraging all to whom his words and instructions might reach, to continue steadfast in the faith, but not to fail in their love and fidelity to the empire. Platina, in his life of this pope, testifies in like manner, that all the Italians would have chosen an emperor for themselves, and were turned away from such counsels only by the influence and authority of Gregory. These remarks may not be uninteresting or irrelevant, in as much as this very pope is one of those whose conduct, grossly misunderstood or misrepresented, is not unfrequently objected to Catholics as affording an example of papal interference.

follows : “ I, indeed, being subject to your authority, have transmitted the said law to the different countries ; but as it is not agreeable to the Almighty God, behold I have, by the present letter, notified the same to the most serene lords : on both hands then, I have performed my duty, for I have obeyed the emperor, and I have not failed to declare my sentiments on the part of God.” It might have been sufficient that a number of popes, distinguished for virtue and learning, and who ruled the Church in periods of great difficulty, should thus concur in teaching the doctrine which we support ; but the heads of the Church have confirmed by their conduct what they taught by their writings. In the early ages of the Church, when that policy which vested them with temporal power had not yet appeared, they bore with the most exemplary fortitude, and the most pious resignation, insults, injuries, and persecutions, from the rulers of the empire, but they never even thought that they possessed, still less did they think of exercising,

any power or authority over the temporal concerns of those rulers.

Liberius, in the middle of the fourth century, bore, with the same meekness, the persecution brought on the Church by Julian, (lamenting only his apostacy,) as he had suffered exile under Constantius for his refusal to condemn Athanasius. When the Emperor Valens exercised all kinds of cruelty against those who adhered to the faith of Nice, Pope Damasus opposed to him no other arms but those of patience and prayer. In the fifth century, when the Emperor Zeno, who favoured the Eutychian heresy, treated with the utmost rigour the legates of the Holy See, Pope Felix complained and expostulated; he had not learned in the Gospel to threaten or depose. Symmachus, in the same century, was injured and defamed by the Emperor Anastatius, who aggrieved and afflicted the Church; but the successor of Peter, after the example of his divine Master, when he was persecuted, did not persecute;

when he was calumniated, did not revile; he offered a justification of his creed and of his conduct, in language which bespoke the profound humility of his heart. In the sixth century John the First pleaded in favour of the Arians, before Justin the emperor, for a relaxation of *his* penal code; but in place of being justly requited for so admirable an effort of Christian charity, he was on his return to Rome cast into prison by Theodoric, where he shortly afterwards expired, without once lifting his voice against the throne. Agapetus, Sylverius, and Martin, three other popes of this century also illustrated by their patience and suffering the doctrine of their divine Master.

They knew of no shield by which they could be protected, but the shield of faith—no arms, but the arms of prayer—no power, but the power of the word of God. These exemplary men have illustrated, by their patience and sufferings, the doctrine which, with them and their predecessors, we now maintain. If, then, the

practice and opinions of popes be objected to us; if it be insisted that we follow their opinions as so many oracles, and look upon their conduct as furnishing precedents from which it is not permitted us to depart, may we not, at least, be permitted to choose amongst them those whom we are to follow; to select that portion of their practice and doctrine which appears to us most conformable to justice and truth? When we are taunted with the proceedings of a Gregory, a Boniface, or a Paul, may we not be allowed to contrast them with those of other Gregories, of a Gelasius, a Felix, or a John? When Bellarmin, or Turrecremata, are objected to us, why not allow us to prefer to them Ambrose, Chrysostom, or Bossuet? If we be told that our Church is responsible for the errors or vices of some popes, why not give us credit for the wisdom and virtue of others whom we still more revere?

If we declare, in all the forms which language can assume, that the Church has not defined

any thing upon the subject about which I treat—if in opposition to the doctrine imputed to her, we adduce the concurrent testimony of the Lord himself, of his apostles, of the holy fathers—if we even show that the conduct and doctrine of the most eminent of the popes themselves are opposed to it, with what colour of justice can it still be imputed to us? If we do not stop here; if we point out the source from which this hateful doctrine has originally flowed; if we show its origin, its progress, its decline and fall, is it not, my Lord, uncandid, ungenerous, and unjust, to overlook our statements, to reject our proofs, to condemn us for that conduct in others which we ourselves abhor? If the Bull *Unam Sanctam*, in which Boniface declares, that every creature is subject to the Roman pope, without at all specifying whether it be in spiritual or temporal matters—if this Bull be objected to us, is it not reasonable to attend to us, whilst we say, that no Bull of any pope can decide our judgment, if it be not received and assented to by the pastors of the

Church ; an assent which this Bull Unam Sanctam never has received ? Should we not be allowed to add, that so far from being received by the Church, it was violently opposed, and by an opposition so successful, that it was recalled by Clement the Fifth, between whom and the author of that Bull, only one pope, Benedict the Eleventh, intervened ?—(See Extravag. MERUIT.) If the one which was rejected by the world be of such mighty moment, is not the other, which was admitted by all, entitled to some respect ? There is no justice, my Lord, in thus condemning us ; such conduct on the part of our opponents creates in our bosoms a sense of wrong being done to us—it exhausts our patience, it provokes our indignation, and prevents us from reiterating our efforts to obtain a more impartial hearing. We are tempted, in such cases as these, to attribute unfair motives to those who differ from us, as we cannot conceive how men, gifted with intelligence, can fail to discover truths so plainly demonstrated, as that our faith or our allegiance is not regu-

lated by any such doctrines as those imputed to us; that our duties to the government of our country are not influenced nor affected by any Bulls or practices of popes; that these duties are to be learned by us, as by every other class of his Majesty's subjects, from the Gospel, from the reason given to us by God, from that love of country which nature has implanted in our hearts, and from those constitutional maxims which are as well understood, and as highly appreciated by Catholics of the present day, as by their ancestors who founded them with Alfred, or secured them at Runymede.

I have just noticed the only Bull of a pope ever issued, in which, as far as I have been able to ascertain, any attempt was made to couple the temporal pretensions of the popes with their spiritual supremacy. This Bull was of a most odious kind, and should therefore, according to a maxim admitted by all jurists, "*odiosa sunt restringenda*," be restricted as much as possible in its sense. If this be al-

lowed, and no person versed in law will dispute it, the clause of this Bull, which has excited so much scandal, might be admitted by every Catholic, without at all affecting his allegiance. When rightly understood, it has no reference whatever to any other obedience, as due to the pope, than that obedience in spiritual matters which we all profess to owe to him. But we deny, my Lord, most explicitly, that any doctrine is there proposed to the belief of the faithful. In place of assenting to the doctrine supposed to be taught by Boniface, we protest against it; we show that the only kingdom which was affected by his Bull, opposed it like one man; and that the successor of this pope, either through necessity, or of his own free will, withdrew it, cancelling all its effects.

If the popes, in their Bulls, speak of the dignity of their see, of the privileges of their office, of the power and sanctity of the apostles, from the chief of whom they inherit their authority, these recitals or dissertations concern the

faithful, as little as if they were dissertations on some abstract science. When these popes quarrelled with kings and emperors, when they disposed of crowns and states, they may have acted either wisely or otherwise, but we, as Catholics, have no concern in their deeds. The origin of their interference with temporal concerns, the ground on which it rested, is so well ascertained, that a simple reference to it, is perhaps more than the present discussion requires. I should not obtrude so well-known a subject on your Lordship's attention, but in order to show afterwards the justice and propriety of that opposition which Catholics have always given to this assumption of temporal power by the popes whenever the exercise of it clashed with their inclination, interests, or sense of duty.

SECTION V.

Origin of the papal temporal Power.—Decay of the Roman Empire.—Its Establishment in the West under Charlemagne.—Policy of that Emperor.—Progress of the papal Power.

THE seeds of decay were growing up in the Roman empire from the time when the seat of government was removed to Constantinople. During the fifth and sixth centuries almost every Roman province in the West was successively devastated by the barbarians. The empire occasionally seemed to regain its wonted vigour, when some man of great mind and energy obtained the purple ; but as soon as he disappeared, it again became relaxed ; it fell back into a state of langour and listlessness, and showed all the symptoms of a mighty body wasted by disease, and about to be dissolved. Constantine had conferred great privileges on all the bishops within his dominions ; even in

his time they held courts, and in most cases decided without appeal. This jurisdiction in all great cities was equal to or co-ordinate with that of the pro-consul, or the prefect of the imperial court. They were employed to administer the most important charges, and the most difficult and delicate enterprises were frequently intrusted to their ability and address. But of all the bishops in the empire, the bishop of old Rome was pre-eminently distinguished; and Rome herself, now stripped of nearly all her wealth and glory, looked upon her prelate as the last stay of her power, and the only remnant of her once unrivalled greatness. This bishop, by the immense possessions belonging to his see, was enabled to feed the hungry children of this widowed mistress of nations, and to clothe her naked population. The fame of his virtues, the sanctity of his character, the force of his eloquence, not unfrequently, as in the time of Leo called the Great, stayed the wrath of the barbarians, and defended his beloved city against their assaults. When Rome more than once

was besieged, taken, sacked, and plundered ; when she who had been often surfeited with pleasures, was in her turn drenched with tears, and made to feed on the bread of affliction ; when ruin and devastation threatened her, she had often no resource but in the wisdom, the virtues, and the influence of her bishops.— Guided by their counsels, she remained faithful to those emperors who had deserted her, and who still expended the remnant of her resources and energies in propping up or supporting the decayed edifice of their power. But Rome even in the midst of her own ruins was great ; her name had a mighty influence ; she was the type of the empire, as well as the rallying point of all those who still acknowledged its existence in the West. They were the Roman people who still proclaimed the emperor ; they were still in name the masters of the world.— Heraclius early in the seventh century thought of restoring to them the seat of empire, and such was the sense they retained of their own privileges and importance, that nearly a century

afterwards, they refused to acknowledge as emperor, to admit the statutes, or receive the letters of Philippicus, who had been elected in the East. But, notwithstanding, they continued to decline, whilst their connexion with Constantinople became year after year weaker and still more weak ; they had no resource but in themselves ; and the bishop, who was the first amongst them, by his wealth, his dignity, and his services, obtained that place in their confidence and in the management of their affairs, which an exalted station and eminent merit will always insure to the possessor of them. Towards the close of the eighth century, when the barbarians had nearly overwhelmed them—when the feeble emperors could no longer yield them any assistance, the Franks, under Charlemagne, were solicited to come to their aid. This great man for five and twenty years waged a successful war against the enemies of Rome ; he at length subdued them, and having obtained possession of Italy by the sword, was, as Anastasius the librarian, in his *Life of Leo III.*, states, saluted

emperor by the Roman people, and crowned with all possible solemnity by the pope. The right of Charlemagne to the crown, was the right of conquest ; he had won the empire by the sword in a just war ; but it must have been as grateful to him as it was flattering to the Romans, to have the title given to him by a people who for centuries claimed, and often exercised, the right of bestowing it. Distinguished also as he was for piety and attachment to the holy see, he must have been gratified at his coronation being graced, and his new dignity as it were sanctified, by the presence and blessing of the first of bishops, at the foot of the most venerable altar in the world.

To this event we may justly trace the origin of the temporal power of the pope. Charlemagne had not exterminated the barbarians,—France and Germany required his presence ; he wished to create a new interest and a new power in Italy, and, from what he had seen and experienced, he wisely thought, that to keep his

enemies in check, to preserve his new empire from internal commotion, and to secure his title against old pretensions from Constantinople, no means would be so efficient as to strengthen the hands of the pope, on whose fidelity and influence he could entirely rely. This plan accorded with his religious feelings, for his whole life proves that he was most sincerely attached to Christian virtue, and particularly devoted to the holy see. He had observed, for how could it have escaped his observation, the fidelity with which the popes clung to the former masters of the empire ; how unshaken their loyalty had continued under the most severe trials, and he trusted that his own successors would find in them the most powerful supporters of that authority, which he hoped to transmit to his descendants. For these reasons Charlemagne bestowed upon the popes large privileges and possessions : by degrees, if not immediately, they took the government of Rome and its immediate dependencies into their own hands, and using for the purposes of their own aggrandize-

ment, at one time, the names of SS. Peter and Paul; at another, that of the Roman senate and people; they grew imperceptibly to that importance in secular matters, in which they afterwards appeared. The posterity of Charlemagne degenerated; the barbarians gradually embraced the faith; the empire itself was divided and sub-divided. That then the power and pretensions of the pope in such a state of public affairs, should increase prodigiously, is most natural; so far from our surprise being excited by its growth, if it did not increase we should be at a loss to ascertain the cause, and be compelled to think that the bishops of Rome were either more or less than men. But they were not, they were men, and men of education, discernment, power. Their counsellors formed a corporation which never died, they possessed more learning than half Europe beside, and wherever a man of talent appeared, they were enabled to engage him in their service; they saw that all about them were semi-barbarians, and they endeavoured to soften their manners by

subjecting them to the influence of religion, whilst in doing so, they were at the same time extending their own power. These popes encouraged the establishment of churches, bishopricks, and monasteries, and by such means endeavoured to preserve and extend education ; they laboured also to advance civilization, by introducing throughout every part of Europe the practice of the civil law. When they could not put a stop to the savage system of deciding personal quarrels and questions of property by the sword, they at least prevailed on the parties who contended, to observe certain days of truce or cessation from war. When petty princes contended with each other, to the utter destruction of their unfortunate vassals, popes often excommunicated those of the former who were most notoriously criminal. They laboured indefatigably throughout every nation to have councils, or assemblies of the bishops and barons held, in which some fixed rules might be agreed on for the government or conducting of public affairs. In these proceedings there never were

individuals who deserved better of mankind than the popes ; and were it not for them, the inhabitants of Europe at this day might be as far removed from civilization as the Scythian hordes.

When contending with emperors and kings, some of whom were monsters in the human form, the popes might have been sometimes led away, by a mistaken zeal, from the path of duty ; sometimes by an inordinate ambition ; (a passion to which all men in power are subject ;) oftentimes by passions still less excusable ; but they were more frequently influenced by an anxious desire to resist oppression—to promote justice—to vindicate innocence, or to preserve the Church from simony, from scandal, from heresy, or ruin. Whatever were the motives, however, which might have prompted them—whatever judgment we may *now* pass on them—however we may estimate their proceedings, removed as we are from their times by centuries of years—enlightened as we now are

by science and experience—we should not withhold from them the credit which their good actions deserve, nor condemn *en masse* those acts which their judgment or the force of habit and circumstances induced them to sanction or perform. I am not, however, their apologist or advocate ; I am only pointing out the origin and natural progress of their temporal power ; and endeavouring to show that its source is not in the Gospel.

SECTION VI.

Pope Gregory VII.—His Contest with Henry the Fourth.—His Arguments in Support of the deposing Power.—Sketch of the State of Europe at this Period.

UP to the middle of the eleventh century, when Pope Gregory the Seventh appeared, the papal power, to which he gave a certain form and consistency, though gradually gaining strength, was not such as could create alarm.

Its progress was silent, and it was much more occupied in advancing the interests of religion amongst the nations newly converted, than in making encroachments upon princes.

This pope, excited by an extraordinary desire to extinguish simony, and to render all mankind as fervent Christians as he was himself, conceived it necessary for his purpose to subject all the nations of the earth to his sway. He assembled his counsellors, and delivered to them and to the holy apostles, whom he frequently addressed, the most impassioned harangues. He resisted the Emperor Henry the Fourth, not with the prudent caution used by his predecessors, but with violence. Not accustomed to meet with opposition, he waxed angry—he took the empire into his own hands, as the successor of SS. Peter and Paul, to whom he said all the kingdoms of the world were granted; and without more ceremony attempted to depose one emperor, and to place another on the vacant throne. It is true, that

the unhappy Rodolph, whom he put forward as the champion of his theory, when wounded in battle, and about to pay the forfeit of his rashness and his ambition by his life, confessed, "that induced thereto by the pope, he had rebelled against his sovereign."—*Hermoldus chron. Slav. lib. 1. c. xxix.* Gregory himself (*lib. 7. epis. 3.*) indeed confesses, that "all of the Latin Church sided with Henry, and condemned him (Gregory) of excessive severity." Sigebert, in his Chronicle, though the statement be denied by Baronius, writes, that when this pope found himself near his end, he acknowledged that he had, at the instigation of the devil, stirred up enmities and strife amongst mankind, and sent to the emperor to solicit his forgiveness. What his motives were, or by whom suggested, is to us a matter of indifference; certain it is, that he inflicted a deep wound upon the peace of society, and established a precedent, which has been productive of more evil, than perhaps any which history records. The proceedings of this pon-

tiff, however, deserve special attention, as it is he who commenced the warfare of the popes against the independence of princes and states. As to the arguments from Scripture or tradition adduced by him or by any of his successors in support of their temporal claims, they are such as will amuse, or rather excite the pity, of a serious mind. One wisely observes, that because an apostle said to our Lord, "Behold, there are two swords here," the popes have a right to depose kings. Such an inference might appear plausible to him who was already resolved on a usurpation of right, but a Christian is forced to blush at such a profanation of the word of God. Gregory (from whose virtues I do not wish to detract by censuring his conduct in the matter about which I treat) quotes from St. Paul to the Corinthians, (1. c. 6. v. iii.) "Know you not that we will judge angels themselves, how much more worldly things?"—and from this passage he claims to be invested with a power of invading the rights of kings and emperors, nay of new modelling the

state of society throughout the world. If his reasoning were good, the last prebend at Westminster might remove your Lordship from the head of the treasury;—but to offer arguments against such theories is too humiliating to the common sense of men. I feel compelled while referring to them, to blush for the weakness of some good and great men, but I thank God to have lived myself in more enlightened times. This pope, who would be an universal monarch, passed naturally enough from the epistles of the apostles to the writings of one of their earliest followers. In a letter of Clement, quoted by Cotelius, (p. 540,) he found it expressed, that “those who were not in peace and communion with Clement, were to be numbered with those who wished to destroy the Church of God.” From which passage, with his usual logical accuracy, he inferred, that he might himself, with all imaginable propriety, depose the Emperor Henry. Who could refute such reasoning? I confess I am unable to reply to such arguments. If I were living then,

and had been consulted, I should read as my only reply, a chapter from St. Paul to Timothy, in which he recommends, above all, prayers to be offered up for those who are in high station, whether they were acquainted with Clement, or even with Christ himself, or not, that all might be enabled to lead quiet and holy lives; or I should have submitted to him who had consulted me, the declaration of our Lord before Pilate; who, instead of asking his Father for legions of angels to depose him who was about to condemn to death the Author of life, declared, that the power of this judge, though grossly abused, was given him from above; and that though he himself was a king, his kingdom was not of this world. Such reflections, it is true, might have little or no weight with men blindfolded by habitual prejudices, and urged on, as some men still are, in their course of ruin, by pride, interest, or ambition; but I should at least have washed my hands amongst the innocent, and been clean of the blood which flowed in such torrents, in consequence of the

decisions which they were about to pronounce. These texts—for who can call them proofs?—were adduced by Gregory, in his own justification, in his answer to Herman of Metz. I have cited them here, because they were his only arguments, if I except some facts to which he refers, not as precedents, but as affording some colouring to his proceedings; but which, unfortunately for him, were either opposed to his conduct, or perfectly irrelevant to his purpose. To dwell upon them here would be to imitate, in some degree, the impiety of Noe's son, who scoffed at the parent, whose nakedness he should have concealed.

Gregory scorned, in the blindness and exaltation of his zeal, to have recourse to the arguments by which his predecessors maintained their just rights, as the first of bishops, and the common fathers of the faithful. His views were changed with the times, and the objects of his ambition were far different from those of the holy men who, before him, had sat in the chair

of Peter, and illustrated the earth by their doctrine and virtues. He was a monk of Cluny; bred up in the austerity of monastic discipline, accustomed to witness and to observe the utmost rigour of life, and the strictest rules of discipline and morals; fervently devoted to religious exercises, thinking it a duty to hate the vices of the world, he knew not how to compassionate the infirmities of his brethren, to make allowances for the influence of worldly pursuits, and to wait patiently for the fulfilment of the righteous judgments of God. He thought highly of his own power, and he supposed there should be no limits to the zeal with which he was bound to exercise it. He seems to have dwelt more on the sanctity of the end he had in view, than on the justice of the means by which it could be attained; but a man of a great and daring mind, formed by the habits, and excited by the considerations, to which I have alluded, he persuaded himself, I have no doubt, that a right to universal dominion belonged to him as an appendage of his See.—The circumstances

of the times also greatly favoured the project of enforcing such a pretension by the means which, with great art and ability, he had devised.

From the fall of the dynasty of Charlemagne, all the kings throughout the west of Europe possessed but a frail and feeble power; the petty princes, dukes, and barons, were almost sovereigns within their respective territories. The bishops, by the extent of their possessions, and that respect which the sacredness of their character and office drew around them, were enabled to engross all the state employments. Thus kingdoms became partitioned out into little independent sovereignties, secular or ecclesiastic, and the royal majesty, as Bossuet well observes, in his defence of the declaration of the Gallican clergy, lost much of its usual splendour and prerogatives. Kings were oftentimes obliged to engage in war against their own subjects, and frequently with very doubtful success. From the ninth century this state

of things was progressing; and in the eleventh, when Gregory appeared, there was scarcely a single sovereign in Europe who enjoyed the prerogatives, or exercised the power, which in earlier times were inseparable from the throne. The family of the Othos, it is true, by their personal courage and ability maintained some remnant of the imperial authority in Germany and Italy; but yet pillage, murders, devastation of every kind, went on increasing, so that in the time of Henry the Fourth not only the empire, but the very frame of society, seemed likely to be dissolved.— France had changed her dynasty, but the family of the Capets had then degenerated, and Philip I., the reigning sovereign, had none of those qualities necessary for a prince in such troubled times. William the conqueror had just possessed himself of England, but his enemies were numerous, his title scarcely recognised, and his power by no means consolidated. Spain was either groaning under the yoke of the Saracens, or divided into petty

kingdoms, intent chiefly on preserving their own existence. The other states of Europe were not in a better condition to resist the intended aggression upon their independence by the Father of the Faithful. It was in these times that Pope Gregory undertook to lay the foundation of his universal monarchy. He had many pretensions to a claim upon the empire. The senate and people of Rome, with one of his predecessors at their head, had saluted Charlemagne as emperor, and crowned him in the Church of the Apostles. Charlemagne, however, was emperor for nearly twenty-five years before, and his soldiers, like the Roman legions of old, might have lifted him on their shields, proclaimed him emperor through the forum, and paid homage to him on the site of the capitol. His title in this case, would have been as valid as after he had been anointed by the pope; but he preferred that matters should proceed otherwise; he wished, for the permanence and security of his throne, to gain the affections and flatter the pride of the Romans,

and to form an alliance with religion through their bishop, who was its chief minister throughout the world. The proceeding of this great prince confirmed, however, in a great degree the antiquated claims of the Romans to the right of electing the emperor; and though these claims had been reduced in reality to a mere form or ceremony, time and ingenuity might, and did convert them, into something real and substantial. Some sort of ratification at Rome of the imperial title appears to have been at all times sought for, and obtained, if not as a condition necessary for its legality, at least as something extremely useful for the undisputed exercise of its authority. The popes, long before the time of Gregory, had been the only representatives of the honour, if not the absolute sovereigns of Rome: as such, they claimed to exercise the rights which originally resided in the senate and people. They were, moreover, the ministers of religion, and entitled to anoint and crown the emperor elect. They united all these powers, and all these claims; and by

commixion, rendered them less intelligible, but not less mysterious or sacred. They interfered out of Rome as well as within it, at the election of the emperors; and causes similar to those which created their influence in conferring, ratifying, or sanctioning the title to the empire, enabled them afterwards to share in defining the number, the rights, and the proceedings, of the imperial electors.*

* Let me not be supposed as admitting that the right to elect the emperor was derived from the bull attributed to Pope Gregory V. On the contrary, the bull (some provisions of which, sanctioned by the imperial diet, formed part of the laws of the empire) was of a much later date than the pontificate of that pope; nor was it known, or the provisions mentioned in it observed, for many years after his death. The right of electing the emperor was indeed restricted by the consent of the princes of the empire in the time of Otho III. This Albertus Stadensis mentions in his Chronicle, an. 1240. Nauclerus also (Chron. ad an. 994,) states expressly, that Otho, with the advice of the princes

These circumstances afforded a specious plea for Gregory's justification when he entered upon

appointed these electors, as he had no issue to succeed him and fixed Frankfort as the city in which the election should be thenceforth held. Leopold (de jure Imperii. c. 3,) agrees with these in attributing the right of the electors not to any bull of any pope, but to the consent of the princes of the empire. Certain it is, that long after the death of Gregory V. and Otho, this right was recognised. So Henry II., as Otho of Friesburgh (lib. 6. c. xxvii,) states, was elected on the demise of Otho III. *ab omnibus Regni primoribus*. So Conrad, who succeeded to him in 1024, and the other emperors up to Frederick II., were elected by a greater or lesser number, but not by those only who are designated in the bull. Gregory VII. himself, when from the plenitude of power he was about to procure a successor for Henry VI., took no notice of the supposed bull of his predecessor, but directed his commission *ad omnes Episcopos, Duces atque Comites Teutonicos*. See Bossuet's Declaration of the Gallican Clergy, *passim*.

the contest with Henry, and conceived the design of deposing him ; but an event narrated by a cotemporary writer, (Apol. Hen. IV. apud Vist. p. 382,) inasmuch as it seemed to sanction the right which he was about to assume and exercise, confirmed him still more in his resolves. This writer says, that a great number of Lombards, Franks, Bavarians, and Swedes, having conspired with the Saxons, who had lately revolted, addressed themselves to Gregory, and after preferring many grievous charges against Henry, added " that it was most unseemly that a prince so wicked, more known by his crimes than by his name, should wear the crown, especially as he had not received it from the Romans ; that it was just and proper to restore to Rome her ancient right of establishing kings, and that the pope and the Romans, in concurrence with the other lords, should elect a prince whose virtue and merit might render him worthy of so exalted a dignity." This writer proceeds with a reflection of his own : " The pope, deceived by " this address, and flattered by an offer ho-

“nourable in appearance, but in reality so de-
 “ceitful, of his electing a king, which these
 “rebels made to him, excommunicated Henry;
 “and ordered the bishops and other princes to
 “separate from his communion: adding, that he
 “would shortly go into Germany, to treat there
 “of what concerned the church and the king-
 “dom.”

SECTION VII.

*Claims advanced by Pope Gregory to France,—
 to England,—to Spain,—to Hungary,—to
 Dalmatia,—to Denmark,—to Ireland. Re-
 flection on the Effects of the temporal Power
 of the Popes.—Its Decay and Extinction.*

It is not difficult to discover from the whole
 tenor of the observations which I have hitherto
 submitted to your Lordship, what the real origin
 is of the deposing power; whether it should be
 sought for in the Gospel and in the doctrine of

the Catholic Church, or whether it has not proceeded from that moral chaos in which all Europe was engulfed in remote times ; whether the proceedings of Gregory, which form the basis on which the structure of papal power was laid, partakes of any one quality or condition of those which we consider as belonging to our belief or practice as Catholics ;—to any thing which we respect as wise or good—which we look upon or can look upon as deserving of imitation in the present age or state of society ;—of any thing which we could wish ever to see revived, or which, by any possibility, we could believe to emanate from the spirit of the Gospel. In fine, my Lord, is there any man on earth acquainted with his Majesty's subjects professing the Catholic Religion, who supposes that they could admit the conduct of Gregory VII. or his opinions as the rule of their faith, and the standard by which they would regulate the duties which they owe the government ? This reflection has been extorted from me whilst I was proceeding to point out the progress of this pope

in advancing his claim to all the kingdoms of the earth.

He had, as he imagined, now secured his power over the empire ; he next turned his attention to France. He accordingly writes to his legates, (Lib. 8. ep. xxiii.,) “ You are to
“ inform all the Franks, and command them
“ upon their *true obedience*, that they pay, each
“ house, agreeably to ancient custom, a penny
“ each year to St. Peter, if they acknowledge
“ him to be their pastor and father. The reason
“ is, that the Emperor Charles, as is to be seen
“ in his book, which is in the archives of the
“ church of St. Peter, collected every year at
“ three different places (that is to say, at Aix la
“ Chapelle, at Puy, and at St. Gilles) twelve
“ hundred livres for the service of the holy sec.”
The legates, more prudent than their master, did not even publish his letter. The chief object, however, of Gregory, if we can judge from his other proceedings, was not so much to collect pence, as to obtain something in the form of a

tribute ; which would, in his mind, be an acknowledgment of his right to the kingdom as a fief or dependency of the holy see. He says in this very letter which I am quoting, that “ Charlemagne offered to St. Peter (and of course to himself) the kingdom of Saxony, which he had conquered by the help of that saint, and that he built a church as “ a monument of his piety, and of the gift that he had bestowed on the holy see.” The truth is, as may be seen in the Capitul of C. Magn. (tom. 1. p. 246, ed. Baluz.) that this emperor offered to JESUS CHRIST and to St. Peter the first church which he erected in Saxony ; but this was quite sufficient to warrant Gregory in considering that country as one of the domains of his Church, and to entitle him to set up or depose kings within it as it might suit his convenience or inclination. The French, however, were not duped by him.

He next turned his attention to William, who had possessed himself of England, and with the most consummate address and flattery en-

deavoured to induce the sturdy Norman to subject to the pontifical authority his newly acquired kingdom, observing at the same time that it was already tributary to the holy see. William was too warlike and successful to become a dependant; he was too busy to write long or complimentary epistles; he, therefore, replied laconically and soldier-like: “Your legate
“Hubert called on me, and notified to me on
“your part to take an oath of fealty to you, and
“your successors; and to be more careful to
“remit to them the money which the kings,
“my predecessors, were accustomed to send
“them. I have granted one of your requests,
“and refused the other. As to the oath of
“fidelity, I neither was, nor am willing to take
“it, and I do not find that my predecessors
“have taken it to yours.—See Gul. inter Ep
“Lanf. and Bar. tom. 11. p. 532.” He made a similar application to Sweine, king of Denmark, which does not seem to have been more successful, though he offered to him as a present in return for the allegiance which he claimed as

a right, a province in Italy, to which he probably had an equally valid claim as to Denmark itself. From the shores of the Baltic he proceeded to those of the Mediterranean. At this time the greater part of Spain was oppressed by the Saracens, and as a stimulus to the struggling Spaniards to extricate themselves from one yoke, Gregory, out of the plenitude of his generosity, presented them with another. Addressing them, he says, (lib. 1. Ep. 5. 7.,) "Doubtless you are aware that the kingdom of Spain was a long time past a portion of St. Peter's patrimony, and that at present also, though it hath long been occupied by pagans, it cannot of right belong to any other than the holy see." He then proceeds to allow Count Eblis to hold from St. Peter, on certain conditions, such lands as he might rescue from the infidels! An act, as all must perceive, of singular munificence and generosity, and for which the Spaniard must have felt himself oppressed with gratitude.

The pope, supposing that the Goths, busied in the field, had not much leisure to examine records, wished to spare them all trouble as to the verification of his claim ; hence he informs them—" We wish (he says, lib. 4. Ep. 28,) to
" furnish you with a piece of intelligence, and
" which it is not permitted us to withhold from
" you, but which will secure to you great glory
" in this world and the next. Know ye then
" that the kingdom of Spain *was given in pro-*
" *perty* to St. Peter and to the holy Roman
" Church by ancient grants, which on account
" of the revolutions which since occurred, and
" the negligence of some of my predecessors,
" have been lost sight of. For, after the inva-
" sion of that country by Mahometans and
" Pagans, the yearly services which were paid
" to St. Peter have been interrupted for many
" years by these infidels and brutes, and peo-
" ple have gradually forgotten that the country
" was one of the domains belonging to the Ro-
" man Church." We need not be surprised that
his good man was imposed on by some evil-

mind persons, who, doubtless, forged some instruments to satisfy him of his right to Spain ; but what would in other times and circumstances appear passing strange, is, that the Spaniards did in a great degree submit to the imaginary claim. Baronius (tom. 11. p. 244,) endeavours to justify it by an antiquated grant of Berenger, Count of Barcelona, to Pope Urban ; a grant which D. Marca proves to have been entirely different from what it was represented, and such as could give no title to a single inch of land in the peninsula. The counsellors of the pope acted much more prudently in saying that the documents were lost, than in producing those which their apologist afterwards exhibited to the ridicule of the world. It is not, however, my province or object to show the futility of such claims, but only to point out the origin of those assumptions of power which have caused to all the nations of Europe, and are still causing to the unfortunate Catholics of these countries, sufferings and misfortunes without number or parallel. Gregory advanced

similar claims to Sardinia, to Hungary, to Dalmatia, and lest the occupation of these several kingdoms, when taken in a bulk, might not be sufficiently secure, he set up, from time to time, distinct and separate titles to several cities and provinces of them. He did so in order that, should the whole kingdom struggle to escape from him, as was the case in England, he might retain, at least, a portion of it, whereby at some future period he might gain access to the entire. He acted like a skilful general, who no longer able to defend an open country, shuts himself up in a fortress to wait for succours, or to watch and take advantage of any new and favourable circumstances which might arise. Gregory withdrew to a better world, abashed and broken-hearted at the slow and but partial success which attended his enterprise ; but he did not retire without leaving to his successors a plan of operation, which, with signal address, with the most consummate skill and perseverance, they laboured for centuries to execute. They were frequently successful, and not less frequently

defeated ; but they never desisted until their efforts became fruitless, and their labours utterly unavailing. They constantly employed their spiritual prerogatives to enforce their temporal pretensions. By wielding the holy names of the apostles, and exalting the privileges of their see, they established generally throughout the world a persuasion, that to question their right to the kingdoms of the earth, as the patrimony of St. Peter, was to oppose the jurisdiction with which that apostle had been vested by Christ. He had been commissioned to administer the law of God in a kingdom which was not of this world, and to do so not by violence, but freely ; not by lording it over God's inheritance, but by being made a pattern to the flock from the heart : but they seemed to reverse that rule, and to appropriate all the kingdoms of this world, and to govern them, at least occasionally, with an iron rod.

From the time of William the Conqueror the popes had kept an anxious eye on England, but

until the reign of John, their claims to it as a fief were not distinctly recognised. That unhappy monarch, on the 13th of May, 1213, in the presence of the Legate Pandolph, and of the bishops and barons of the kingdom, took the oath of a vassal to the pope, swearing, amongst other things, “ to preserve and defend against
“ all men the patrimony of St. Peter, and espe-
“ cially the two kingdoms of England and Ire-
“ land.” Ireland, indeed, as she seems to have been always foremost in the race of misfortune, had long before paid homage to the papal throne. Muratori *Rer. Ital.* (tom. 5. p. 366,) observes :
“ It became a general custom in the eleventh
“ century for princes to lay their crowns and
“ kingdoms at the feet of the popes, and receive
“ them back as fiefs of the holy see.” Ireland could not resign her place in this public exhibition of European folly. Accordingly, when Gregory, whom we have so often named, addressed her in her turn, writing to Forteleach O’Brien, the monarch, and to all the Irish nobility and clergy, inviting them to share in the

pious drama, claiming at the same time Ireland as belonging to him of divine right; the nobility, as Keating observes, (Hist. of Ir. an. 1092,) after some years of deliberation, being hostile to the reigning prince, (no uncommon occurrence amongst our ancestors,) thought the time had arrived when it would be proper to attend to the papal admonition: hence they unanimously agreed to make a present of the entire kingdom to Urban II. Donald, the son of Brian Boroihme, who had gone to Rome in 1047, and became a monk in the monastery of St. Stephen, where he died in 1064, had, I believe, already made a similar donation for the ease, no doubt, and comfort of his conscience.

Thus it was, my Lord, that in bad times, in times of turbulence and barbarism, the claims of the popes to the sovereignty of almost every kingdom in Europe grew up in silence, and were admitted and sanctioned by nearly all the ruling powers. It must be quite obvious that those claims had not their origin in the Gospel, nor in

the doctrine of the Catholic Church, but in the state of society, in the mistaken zeal, or in the ambition of some popes ; a zeal or an ambition excited and directed by an insatiable avarice, pride, and thirst of power, in their followers and dependants. These papal claims, whilst Europe was immersed in barbarism, produced to society numberless benefits, as well as, at a later period, countless evils ; but the light of knowledge had no sooner gleamed upon the western hemisphere than the deformity of this system was discovered, and accordingly as that light increased, and as society proceeded to adopt new institutions and new forms, the spell of the temporal dominion of the popes became less binding, until, at length, it was entirely dissolved. The power, and passions, and interests which it had created, struggled to defend it. The sentence of deposition passed against the sovereigns of this country were some of its last efforts, but they too have ended, and we, who spilt our blood and lavished our treasures in assisting to defeat them, are still charged with

being the abettors and retainers of what we thus opposed ! They were the Catholics, my Lord, and not the Protestants of Europe, who broke down the assumed power of the popes ; they were Catholics who employed their pens in exposing its origin and deformity, and who drew their swords and smote it to the earth.

SECTION VIII.

The Doctrine of the papal Power to interfere with the temporal Concerns of Kings or States not held at any Time by the Catholic Church.

The opposite Doctrine maintained by the Churches of France, Germany, Spain, Ireland, &c.

By the historical outline, sketched in the preceding sections, we have seen how the temporal power of the popes originated—the progress of this power, and its decline. I now

address myself to the next topic in order, and shall demonstrate that the Catholic Church *never* taught the doctrine, that the popes had any right to interfere with the rights of sovereigns, or with the duties of subjects ;—nay, that those portions of the Church which were interested, and called upon, always protested against such unwarrantable pretensions.

The popes themselves, who assumed this power, and claimed it as annexed to their office, never proposed such a doctrine to the Faithful, however pompously they might boast of possessing it. Even when Europe was prostrate at their feet, when kings, and princes, and bishops assembled, and decreed whatever they prescribed, their own prudence or an overruling providence prevented them from attempting to define such a doctrine, or propose it to the Church as revealed by Christ. Conscious of the want of authority, derived from Scripture, tradition, or the conduct of their predecessors during nine centuries from the foundation of the

Church, they sought in imaginary grants, in the name of the Roman senate and people, in the distress of some, in the piety or ignorance of others, some specious pretext whereon to ground their claims; but the Church of God, though dwelling in the midst of the nations and empires which they ruled; though holding communion with them in all that was essential to religion; though often warning or correcting them; though sometimes rebuking them for their crimes or irregularities, never even thought of enrolling the doctrine of their power over things temporal amongst the decrees of her faith.

The Church of France, which, from the days of Clovis, has been not less distinguished for the rectitude of her faith, than for the zeal and learning with which she supported her liberties and independence, has always opposed every pretension of the popes to interfere with that country beyond the limits of their duty. I pass by the declaration of the states general of France—convened by Philip Augustus—when Innocent

III. wrote to that monarch to desist from his intended enterprise against King John of England, now the sworn vassal of the holy see. This declaration is related by Matthew Paris (edit. Par. 1644. p. 194,) and shows the sentiments of the French even at that period upon the claims of the pope.

When Boniface VIII. and Philip the Fair were employed in fighting or anathematizing each other, the French Church rejected and condemned the right claimed by the pope to depose their sovereign. When Julius II. proceeded in a similar manner against Louis XII., and endeavoured to enforce his proceedings by a formidable coalition of the English, Spaniards, Germans, and Swiss, the bishops of France assembled at Tours, decreed, that the papal sentence was null and void ; and Duchesne, in his Life of Julius II., observes, that they gave to the king an immense subsidy to support the war against his Holiness. At a later period, all the orders of the French Church—cardinals, bi-

shops, abbots, canons, and other clergy—met in general assembly, resolved, that consistently with the authority of the sacred Scriptures, the authority of the councils, and of the Gallican Church, they could not sanction the proceedings of Gregory XIV. against their sovereign, Henry IV. The university of Paris imitated their example. In fine, the first article of the celebrated declaration of the French clergy in 1682 is known to the entire world. In this article, after acknowledging the spiritual supremacy of the pope as the successor of St. Peter, and quoting the words of our Lord, *my kingdom is not of this world*, to show that the pope has no jurisdiction over temporal matters, and stating from St. Paul to the Romans, that the power of princes and of all persons in authority is from God, they conclude thus : “ Kings, “ therefore, and princes in temporals are not “ subject by the ordinance of God to any ecclesiastical power ; nor can they be deposed “ directly or indirectly by the authority of the “ keys of the Church, or can their subjects be

“exempted or freed from their faith and obedience, and from their oath of allegiance ;
“and this declaration (*sententia*) necessary for
“the public tranquillity, nor less useful to the
“Church than to the State, is, by all means to
“be maintained as agreeable to the word of
“God, the tradition of the Fathers, and the
“examples of the Saints.” No mode of disclaiming the deposing power more express than this which was adopted by the Gallican Church, can be devised, unless it be that which the Irish bishops, priests, and laity, not only adopt and defend, but even swear to in the following words : “ I, A. B., do take almighty God, and
“his Son Jesus Christ, my Redeemer, to witness—and I do swear—that I do renounce,
“reject, and abjure the opinion that princes
“excommunicated by the pope and council, or
“by any authority of the see of Rome, or by
“any authority whatsoever, may be deposed
“and murdered by their subjects, or by any
“person whatsoever—and I do declare that I
“do not believe that the pope of Rome, or any

“ other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.” This is the form, my Lord, in which we, in unison with the French Church, disclaim a power which would interfere with our duty to the government. This is the doctrine which we maintain in private conversation, in our instructions to our flocks, in our sermons from the pulpit, in our examinations before the committees of parliament, in the presence of the entire world. This is the doctrine found in our books of theology ; this is the doctrine taught in our schools, in our academies, in our public colleges ; this is the doctrine which the answers of the principal universities throughout the Catholic Church in Europe declare to be perfectly orthodox ; this is the doctrine for the truth and support of which we are prepared to expend our fortunes and expose our lives ; and yet this is the doctrine which we are charged with rejecting---for if not, my Lord, how is our alle-

giance divided? How does the papal authority interfere with our duties to the government? Is there any faith, my Lord, to be placed in man? Is the concurrent testimony of nations to be believed? Are we worthy of credit on our oath? Are we Christians, and do we revere the truth and sanctity of God? Do we admit a distinction between good and evil, and expect the rewards, or fear the punishments, of a future life? If these interrogatories are answered in the affirmative, then, my Lord Liverpool, it is unjust to charge us with a divided allegiance, if allegiance mean “the duty which subjects owe to the government.”*

* The doctrine taught and maintained at present throughout Germany, Spain, and Portugal, as well as the entire of the Austrian dominions, is the same as that taught in France and Ireland. The doctrine of the deposing power is not taught any where, not even in Rome, where, if casually introduced, it is freely impugned. I have made the most diligent inquiries, and the most extensive in my power, with regard to it, and

SECTION IX.

The DECREE of the Council of Lateran.—The Testimony of Archbishop Magee relating to it.—Composition and Proceedings of Councils.—The Distinction between Decrees of Faith, and the Laws of Discipline, or of Civil Policy enacted in them, clearly established.----The Charges against Catholics founded on the above Decree, fully disproved.

THE only proofs adduced in order to sustain this charge against us, are taken from the

these inquiries have confirmed my former opinions, that the doctrine of the temporal power of the pope is completely obsolete ; that it has disappeared with the state of society which gave birth to it, and could as easily be revived as the earth could be made to retrograde, or the art of printing be lost in oblivion. As an illustration of Gregory VII. having first introduced

bull *Unam Sanctam* of Pope Boniface, and the still more celebrated decree of the council of

the claims of the popes to interfere with the rights of sovereigns, it may not be uninteresting to show what the sentiments of the German, as well as of the French Church, were in his time.

Otho of Friesburgh, a cotemporary of Gregory, says: "The empire was the more moved with indignation at the novelty of this proceeding, because never till now did it know of such a sentence begin promulged against the prince of the Romans." And in his Chron. (lib. 6. c. 35,) he observes, "I read and read again the histories of the kings and emperors of Rome, and until this instance, I can find no one of them to have been excommunicated or deprived of the empire by the bishop of Rome. Unless any person should take that for excommunication, that Philip was made to take his place amongst the penitents by a Roman bishop, and Theodosius excluded from the Church by Ambrose, for the slaughter at Thessalonica."

Lateran, in 1285. These are said to form such decisions in a matter of doctrine as Catholics

Onuphrius Panvinus, in his *Life of Gregory VII.*, (Gretser's ed. p. 271,) says: " Although before him
" the bishops of Rome were revered as the heads of
" the Christian religion, as the vicars of Christ, and
" the successors of Peter, yet their authority did not
" extend farther than the asserting and defending the
" dogmas of faith; they were subject to the emperors,
" they obeyed them in all things, but to judge those
" emperors, or decree any thing respecting them, the
" pope of Rome did not presume. Gregory VII. was
" the first of all the popes, who, deviating from the
" custom of his predecessors, despising the imperial
" dignity and power, when he had obtained the pope-
" dom, dared (a thing before unheard of) not only to
" excommunicate, but even to deprive of the crown
" and empire, Cæsar himself, by whom if he, Gre-
" gory, had not been elected, he had at least been
" confirmed." Aventinus, lib. 5. p. 350. Annal
Boior, after relating the proceedings of the pope against
Henry, continues to say: " Most people, both in pri-

are bound to admit, whilst at the same time they establish the right of the pope and council,

“ vate and public, exclaim loudly against the unworthy deed; they curse Gregory, they pray evil to Hildebrand; they charge him with being governed by hatred and ambition, with acting hypocritically under pretence of promoting the public good.”

Conrad the bishop, in his speech in favour of Henry, at a meeting of the Diet in 1085, repeats those attacks; and Eberard, the Archbishop of Saltzburgh, at the Diet of Ratisbon, held 170 years later, is not less severe in his imputations against this pope.

There is a singular instance of the doctrine of the Spanish Church recorded in Thuani Hist. (par. 3. lib. 69,) and referred to the year 1580. After the death of King Sebastian, when several pretensions to the crown of Portugal appeared, Paul IV. wished to have their claims submitted to his own decision. The divines of Spain being consulted on the subject by Philip II., answered, that “ the pope had no authority to interfere, because it was a secular business; for

or of the pope alone, to interfere with the rights of sovereigns and states—contrary, be it observed, to the doctrine we teach, and to the express terms of our oath. Other bulls and declarations without number, are frequently summed up against us; but it is generally admitted by such as are at all impartial, that *we* are not connected with them, or affected by them; that they are to be judged by their own merits, and to be applauded or condemned in proportion as they were or were not agreeable to the rules of equity. If the popes claimed and exercised jurisdiction over kings who professed to be their vassals, or over states which were acknowledged to be the domains of their Church, or the fiefs of their see, few persons can be so glaringly unjust as to look upon their

“ (say they) kings being once appointed, all such right
“ is transferred to them and their successors, so that
“ all jurisdiction (in such things) belongs to them, and
“ they cannot be judged by others.”

doing so, as a proof that the Catholics of this empire acknowledge in them the very right which, on their oaths, they deny to the pope or to any ecclesiastical authority whatsoever. Not so with the council of Lateran. As to the bull of Boniface, it is, I hope, already satisfactorily disposed of; or if it should seem otherwise, the observations which I shall make hereafter may be applied to it.

When, in 1780, Wesley and the Protestant societies throughout Scotland and England exhibited this decree of Lateran, with its ally from Constance, to the terrified inhabitants of London, and that Arthur O'Leary had quieted the public mind, at least in Ireland, with regard to them; when, year after year, they were produced by Doctor Duigenan in parliament, and as frequently blown into thin air by the vehement indignation of Grattan; when the good sense of parliament had scouted them from the approaches to Westminster, it might have been hoped that they would have been

suffered to rest in oblivion. However, during the last session, when all manner of things were inquired into by the committees of parliament, and even those decrees at least incidentally touched on, it might be expected that the evidence then given respecting them, especially by the Catholic Archbishop of Dublin, before the Commons on the 17th of May, would have removed all anxiety which people felt, or affected to feel, touching their operation; but no, they are still presented to us, clothed with all the deformity which religious persecution can attach to them, and serve as the chief argument to justify the charge of our paying to the government a divided allegiance. The origin, nature, qualities, and object of the decree of Lateran, have been so satisfactorily explained by Archbishop Murray in the evidence referred to, that I should not obtrude any remarks relative to it upon your Lordship, did I not find it holding a prominent place in the evidence (p. 742) of Archbishop Magee, as delivered before the lords' committee on the

11th of May. In reply to a question, “Whether there are any tenets of the Church of Rome which in his opinion rendered a Roman Catholic unfit for holding any situation of trust or power in a Protestant State?” His Grace answers: “I think there are, provided the recorded system of the Catholic faith be referred to.” And being asked, “What is that system of recorded faith to which you refer?” he replies, “I hold in my hand the third decree of the fourth council of Lateran.” And after a laboured essay in proof of its authenticity, he relates the substance of the canon, and concludes (p. 745) by saying, “that it gives a power of extermination of heretics, and asserts the power of absolving subjects from their allegiance.” In reply to a question, (p. 746,) “Whether this tenet is asserted in any other, and what authority, ancient or modern?” He replies: “I think the reference to the council of Lateran in the council of Trent, makes the decrees of that council binding down to the council of Trent, and

“ consequently still binding.” As it happened, however, that there was no special reference made in the council of Trent to the council of Lateran, more than to the Gospels, to the writings of Chrysostom, or Augustine, or to the councils of Orange or of Florence, or to any other, some of whose doctrines or decrees might have been there quoted, or referred to, or confirmed; and, above all, as there was no mention made at Trent of the decree in question, the noble Lord who took the trouble of interrogating the Most Reverend Prelate, afforded to him, by a new question, an opportunity of escaping from this inconvenience, in which a want of information on these subjects would otherwise seem to have involved his Grace. It is therefore asked, “ Does the creed “ of the council of Trent include that canon as “ well as all others?” (I need not observe to your Lordship, that there is no such creed as “ the creed of the council of Trent.”) But his Grace replies: “ Certainly, I conceive so. If “ I were declaring my creed as a Roman Ca-

“tholic, if I understand it rightly,” (and oh ! how sincerely do I wish that his Grace did so understand it before he took upon himself the responsibility of giving evidence relating to it,) “I must necessarily understand the *creed of Pope Pius* to include the canons of that council with this and every other.” The creed here referred to, is a profession of the Catholic faith, published by Pius IV., and has the following clause, to which, doubtless, his Grace refers: why he confounds it with the council of Trent, his Grace best knows.—But the clause stands thus: “I likewise undoubtedly receive and profess all other things delivered, defined, and declared, by the sacred canons and general councils, and particularly by the holy council of Trent.”

By such reasoning does the archbishop prove that the extermination of heretics and the absolving subjects from their allegiance, is “a tenet of our recorded system of faith.” My Lord, it is extremely difficult to reason with a

man profoundly ignorant of the subject in debate, and it is still more difficult to convince a man whose judgment is shrouded in passion. It is not for such persons I write, but for your Lordship, who can weigh arguments dispassionately. And first of all, permit me to state to your Lordship what is to be understood by “ things *delivered, defined, and declared,*” by the sacred canons or general councils. These terms regard such matters only as are the objects of our faith, and which are *delivered, defined, and declared,* to all Catholics as such.

The general councils have, with scarcely an exception, been assembled for the adjudication of some disputes about doctrine, for the purification of the morals of the faithful, and for the reformation or improvement of discipline. They have had not only to define whether certain doctrines were or were not agreeable to the word of God, *which class of decisions alone constitutes articles of faith,* but they had a variety of other matters to dispose of; the regulation

of discipline, on which the state of public morality mainly depended, always constituting a great portion of their business. During those centuries when the Church and State were almost identified throughout Europe, or, as St. Peter Damien expresses it, when the State was in the Church and the Church in the State, the councils consisted almost as much of lay members as of bishops; and when the latter had disposed of religious controversy, they formed one body with the princes and barons, in enacting laws which related as much to civil policy as to ecclesiastical discipline. When some prince happened to be the chief personage in any one of these assemblies, the decrees which affected the Church were submitted to the approbation of the pope, or of the prelates of those Churches which they were designed to affect; and without his or their approbation such decrees could not be promulgated or obtain force; of this description we find several enactments amongst the capitularies of Charlemagne and of his successors. On the other

hand, when the council made regulations or decrees in the absence of a sovereign, with whose rights, or with the rights of whose subjects such decrees might interfere, the bishops always submitted their proceedings to the adoption or rejection of the secular authorities which they might concern. Thus we find the prelates who composed the councils of Mayence, Tours, &c. send their decrees to Charlemagne; that, as they write to him, "he might confirm them by his authority, if he thought them worthy; or amend them, if he found any thing to be amended in them." In the council of Trent even, and at a period when the Church was in a great degree severed from the State, we find that every Catholic prince in Europe assisted either in person, or by his ambassadors; and though they did not so much, as in former councils, share in the proceedings, yet every person who has read the history of that assembly, must know what an influence they exercised in it, especially with regard to matters of discipline. The Archbishop of Dub-

lin himself, limited as his knowledge of these matters is, can scarcely fail to know, that whilst whatever was “*delivered, defined, and declared*” in that council respecting the faith, is admitted by every Catholic in the universe, a great portion of the laws relating to discipline which were enacted in it are not even generally received; and that whilst Spain, for instance, admitted them entire, France rejected them altogether, and rejects them, as we ourselves do a part of them, to this day. That council, for instance, decrees, that the field wherein a duel is fought shall be forfeited by the owner. This decree was, of course, proposed for the adoption of all the Catholic states, but not even in Spain and Belgium, where the council was published, did that portion of it ever take effect. The proceedings in Trent, which regarded discipline, are as distinct in their titles, forms, and sanctions, from those which relate to faith, as the concerns of this world are from those of the other. What is then tangible in the proceedings of this coun-

cil, is not less clearly marked in all the others ; and I confess, my Lord, that the grief with which I am penetrated at the delusion which overhangs the minds of many worthy men with regard to our principles, is not greater than my surprise at the total want of information upon the general polity of the Churches and States of Europe for centuries, which so generally prevails.

A principal duty then, of all the general and national councils, especially during the middle ages, was the enacting of laws, partly civil and partly ecclesiastical, for the regulation of the interests of both Church and State ; some of these laws still continue, others have force only in particular Churches or States, whilst hundreds upon hundreds of them have been abrogated or gone into disuse. This should be the case from the very nature of every human law, (such as these canons were), and which is very properly defined by *Gratien*, as having the following conditions essentially annexed to it :

Lex erit honesta, justa, possibilis, secundum naturam, secundum patriæ consuetudinem, loco temporique conveniens, necessaria, utilis, manifesta quoque---nullo privato commodo, sed pro civium utilitate conscripta, (c. 2. dist. 4.)—

When the laws of the Church have not these conditions, when they prescribe what is immoral, unjust, or impossible, they are void from the beginning. When they are not suited to the natural dispositions of a people, or to the just usages of a country, when they are not adapted to the times and places for which they are intended, when they are not necessary or useful, or if they be enacted for the advantage of individuals, and not of the community at large, they should not be received; and if admitted, they cease to have force when the conditions which sanctioned their introduction, discontinue. They cease to bind when the final cause, or chief object for which they were enacted, is no more found to exist. They cease when they are repealed by a contrary usage, or when they go into disuse, as well as

in various other modes, all of which are familiar to those who, like your Lordship, are conversant with the knowledge of the law. Had these first principles, these preliminaries of legal science, been attended to by those whose profession should have made them acquainted with them, I should not be under the painful necessity of alluding to any individuals whilst I vindicate my own Church and Creed.

Having disposed of this part of the subject, it is equally necessary for me to submit to your Lordship what those things are, even in matters of faith, which we are obliged to receive as "*delivered, defined, and declared.*" I shall do so, my Lord, not by any casuistry of my own, though I trust your Lordship is satisfied that a desire to equivocate or obscure the truth, by casuistry, could never find a place in my mind; but yet, as I might not obtain equal credit from those to whom I am even more unknown than to your Lordship, I shall substitute, on this subject, for my own assertion, an extract

from the writings of the bishop of the Canaries, Melchior Cano, one of the most distinguished divines who assisted at the council of Trent, a chief light of the Spanish Church, and a man not pleading in his own justification, and that of his oppressed brethren, but explaining to the Catholic world the doctrine of the Catholic Church. Cano asks, (*lib. 5. c. 5. de loc. Theol. Ed. Collon,*) “ Will there not be then (some
“ person may say) any mark whereby the de-
“ cisions of councils on matters of faith can be
“ known? There will clearly. The first, and
“ that indeed a manifest one, is, if those who
“ assert the contrary be adjudged heretics, of
“ which we have examples, *cap. Damnamus de*
“ *Summa Trinitate in 6to.* and *Clemen. unic. de*
“ *Summa Trinitate, sec. 2.* Another mark is,
“ when the council, in its decrees, uses the fol-
“ lowing form : If any one will believe so or so,
“ let him be anathema; of which form there are
“ many examples in the first synod of Toledo;
“ and in that of Trent. A third is, if a sen-
“ tence of excommunication be passed, *ipso*

“*jure*, against those who contradict the decision; an example of this is found, *de Her. cap. Cum Christus*. It is to be observed, however, (with respect to this mark,) that in the council of Trent, in the session held the 11th of October 1551, it was defined, respecting the sacrament of the Eucharist, that, if any one was conscious of mortal sin, he should have recourse to sacramental confession before he approached to it: and immediately after, the synod adds: ‘and if any person will presume to preach or teach, or obstinately assert, or defend, in public disputation, the contrary, let him by the very fact be excommunicated.’ But this precaution was used to guard against danger, because the contrary opinion was pernicious, (or to use a phrase lately applied to the converse of this proposition,) the opinion was monstrous; and, therefore, the excommunication was applied principally to the making the doctrine public; for we, ourselves, who assisted at the council, are witnesses, and

“ the context itself proves, that the opinion of
 “ Cajetan was not condemned as heretical ;*
 “ for the second canon, and the last also, is
 “ thus worded : ‘ If any one will say that faith
 “ alone is a sufficient preparation to receive
 “ the sacrament of the most Holy Eucharist, let
 “ him be anathema.’ And immediately after,
 “ the form of expression being changed, are
 “ added these words : ‘ and lest so great a
 “ sacrament, &c. &c.,’ from which it is clear
 “ that the opinion of Cajetan was not anathe-
 “ matized ; but as it was false and pernicious,
 “ it was reprobated and forbidden, on account
 “ of the danger attending its being taught, or
 “ maintained in public. A fourth mark is, if
 “ any thing be said to be expressly and dis-

* This celebrated cardinal was eminently distinguished
 as a scholar, but was equally remarkable for the sin-
 gularity of some of his theological opinions ; amongst
 others, for that which was so pointedly censured by the
 council.

“tinctly believed by the faithful, or to be received by them as a dogma of the Catholic faith; or if by such, or similar words, any thing is said to be contrary to the Gospel, or to the doctrine of the apostles, if it be propounded, I say, *not as an opinion, but by a clear and fixed decree*; for although the opinion of Durandus be condemned (*c. gaudemus de divortiis*;) yet he, who, with reference to it, used the words, *But this appears senseless and hostile to the faith of Christ*, did not wish to brand upon it the mark of heresy; for the word ‘appears’ weakens the certainty of the sentence. Moreover, those things which, in the decrees of councils or popes, are introduced for the sake of explanation, or to answer objections, or which are noticed briefly, and only touched on, but which are not the chief subject on which the controversy principally turned, *these do not concern the faith*; that is, *they are not decrees of Catholic faith*. —As an illustration, let us lay down an example, which having occurred in one case

“ may be applied to many others. What is
“ said, *in cap. Firmiter de summa Trinitate*, of
“ angels being incorporeal, is not a decree of
“ faith; whereas since that decretal, many
“ theologians, falsely indeed, but yet with-
“ out incurring the mark of heresy, have as-
“ serted the contrary; and, indeed, (in this
“ matter,) when the synod willed to explain the
“ meaning of the Catholic tenet, ‘ I believe in
“ God—creator of all things, visible and in-
“ visible,’ it added, ‘ corporeal or incorporeal;’
“ which words, it is plain, were introduced for
“ the purpose of *explaining*, not of *defining*.
“ And as the council supposed, what in reality
“ was true, angels to be invisible; so, in like
“ manner, they supposed them to be incorpo-
“ real. But this question apart, my object is
“ (and in treating of it I imagine I am doing a
“ service to divines) *to show that not all things*
“ *which are even absolutely and simply affirmed*
“ *in councils, are decrees of faith*; of which
“ matter I could adduce, if it were necessary,

“ many examples, but I do not wish to delay
“ by explaining each of them.”

Let the proceedings of Gregory and Boniface, and of all the popes from Peter to Leo XII., which directly or indirectly ascribed to them a power of deposing kings, or interfering with the duties of subjects to their respective governments, be taken and judged of by the foregoing doctrine as laid down by Cano—a doctrine which I confidently assert to your Lordship, no Catholic divine in the universe ever has contradicted; let the papal bulls, and decrees, and interdicts, asserting the temporal jurisdiction of the pope or council, be judged of by that rule, and if they be found to contain a single decree of faith, I resign my cause; I confess that our allegiance is divided; that we are unfit to hold any place of trust or honour under a Protestant, or any other government; and that we are, from his Grace the Duke of Norfolk to the last forty shilling freeholder in Ireland, a race of blind, besotted, perjured

slaves. But no such doctrine, my Lord, is “*delivered, defined, and declared,*” in any creed, or in any council, ever held or published, in the Catholic Church.

Moreover, from what I have said at the commencement of this chapter; from the definition of ecclesiastical law, as given from Gratien, it is quite clear that the law of Lateran, which by no means included a definition of faith, if it ever had force in these countries, (and it is nearly certain that it had not,) has ceased, not by the failure of one or two essential conditions, but by the failure of them all; not by one mode whereby a law ceases, but by almost every mode in which a law is annulled. Such a law in the present age (for we will not judge others, lest we ourselves might be judged) would be immoral, unjust, impossible; it would be opposed to the natural dispositions of the people of this empire; it would be contrary to all the laws, usages, and customs, of our country; it would not be suited to the times

and circumstances in which we live ; in place of being necessary or useful, it would upturn the very foundations of society ; and instead of benefitting the entire community, it would drench our streets and our fields in blood. It has not one condition of those many, without combining all which it could not, even if it ever were a law of our Church, continue to be so. It ceased as to its particular end or object when the Albigenses were subdued ; it ceased universally when the remote end for which it was enacted—namely, the support of the feudal system, and the maintainance of uniformity in religious faith, became impossible. And yet this is that decree of Lateran upon which we are charged with a divided allegiance, and indirectly with perjury and disaffection !

We are taunted with the proceedings of popes. What, my Lord, have we Catholics to do with the proceedings of popes, or why should we be made accountable for them ? Let John Lackland, or Donald, the son of Brian Boroihme,

of Henry II., be summoned from the dead to answer such a charge, but let us not be made responsible for it. We have struggled and fought with our fellow-subjects to rescue our country from the secular dominion of the popes, and love and cherish, as dearly as your Lordship, the independence we have achieved; we would take the field to-morrow, if necessary, and spill our blood, rather than suffer any foreign pope, or prince, or prelate, to infringe upon that independence; and yet we are branded as traitors to the laws and liberty which we so much love. The primate Stone, quoted by Sir Henry Parnell in his invaluable "History of the Penal Laws" (p. 44) re-published by Longman, &c., in 1825, attests our loyalty during the last civil war in Scotland. He did so after perusing all the papers of the rebels, and of their correspondents, which were seized in the custody of Murray, the Pretender's secretary. The loyalty of the Catholics in the reign of Elizabeth was conspicuous. In the time of the unhappy Charles, when the Irish Catholics were instigated by the govern-

ment to rebel, or forced by those who thirsted for forfeitures to combine in self-defence, they but copied after the example of the sister island; and had I been then living, cordially as I abhor the temporal power claimed by the pope, I would have received aid from him, or from any other disposed to give it, as the Scotch received it from the French minister, (see Lingard's History of the reign of Charles I.,) for the purpose of relieving my country from the most detestable system of plunder and oppression which ever was imposed upon a people. The reports of the Irish House of Lords relative to the rebellion of 1798, testify most expressly "that nothing appeared before them which "could lead them to believe that the body of the "Roman Catholics were concerned in promoting or countenancing such disturbances." In fine, my Lord, the most authentic records, as well as the speeches of the ministers of the crown, have, at all periods of disturbance since the accession of the present august family to the throne of these realms, borne testimony to

the zeal and affection with which we have paid to the government the duties of loyalty and obedience which we owed to it. To search in antiquated leaves, in the jargon of obsolete bigotry, in scraps and patches of catechisms and almanacks, and mutilated letters, for proofs of papal influence amongst us at periods more remote, bespeaks a mind and disposition so little, so mean, so unacquainted with the history of Europe—of Ireland, and with the nature of things, that I disdain to notice them for your Lordship's information. Your Lordship sees but too plainly the system in which this papal influence had its origin; its struggles to maintain itself in this country as well as in every other are well known to you. The gradual decay of old prejudices from the mind of a people you can duly estimate; but above all, in place of feeling surprise at some of the Irish in their distresses and unparalleled suffering, allying themselves with any seducer who might tempt them, your Lordship must be filled with amazement at their unprecedented loyalty, at

their loyalty in circumstances when you yourself, my Lord, and every man in England would have rebelled. Of this, I can with great truth assure you, and my testimony, if not entitled to respect, should not be utterly disregarded—that papal influence will never induce the Catholics of this country either to continue tranquil or to be disturbed; either to aid or to oppose the government; and that your Lordship can contribute much more than the pope to secure their allegiance or to render them disaffected.

SECTION X.

Critical Examination of the Canon of Lateran.

—*Feudal Acceptation of the Terms “Subordinate” and “Supreme Lords.”—Similarity of the Proceedings against the Albigenses, to those employed against the British and Irish Catholics.—Concluding Observation.*

BUT to return to the council of Lateran. Whether the decree of this council, as quoted

by the Protestant Archbishop of Dublin, be or not be authentic, is a matter of the most perfect indifference ; and if I add a few observations respecting it, my object is to show your Lordship what little reliance should be placed on the opinions of those who undertake to discuss what they do not understand. Doctor Magee professes himself to be but little versed in our doctrine. This is certainly true, and I sincerely regret it ; for, if he were acquainted with it, he could not bear such testimony as he did against it. I am, however, sufficiently well acquainted with the doctrine of my Church, for I have spent the greater part of my life in its study ; and I may add, that I could not understand it, and be able to avow my ignorance of the doctrines and discipline of the Protestant Churches. Very little knowledge is indeed required to enable a man to state whatever is interesting in the council of Lateran. Paschal, in his *Pensees*, observes, that even the writing of books, as far as positive science is concerned, is only dressing up in a new garb what has been

already presented to the public in some other ; fitting the drapery of the stage, or the style and manner to the taste and time in which we live. All that could be written on ecclesiastical or theological subjects, in any other way than this, was, it might be said, written in the 16th and 17th centuries ; so that since then, we are doing little more than copying or extracting from the works of that time. We sometimes find it necessary to examine the ancient records to which we are referred, but the fidelity and exactness of our predecessors in the last ages, generally render our doing so a work of supererogation. In treating then of the council of Lateran, I shall consult only such authorities as ought not to be passed by ; and the general tenor of my observations will be almost copied from a few of some fifty books now lying before me, which, amongst other things, treat of this council. The first is, the acts of the council itself, as published at Lyons by Caranzan in 1683. He tells us it was held in 1215, under Innocent III., and consisted of the pope, the patriarchs of Jeru-

saalem and Constantinople: he omits to mention the patriarch of the Maronites, who certainly assisted at this council, and was there instructed in the rites and ceremonies of the Latin Church, as well as the representatives of the patriarchs of Alexandria and Antioch; seventy metropolitans, four hundred bishops, twelve abbots, eight hundred priors of convents, the ambassadors of the Greek and Roman Empire, and the envoys of the kings of Jerusalem, France, Spain, England, and Cyprus. The celebrated decree is given in this edition, as well I believe as in all the others of a modern date—but it is to be observed, that what his Grace of Dublin calls “the middle of the canon,” and which he admits to be wanted in the Mazarine copy, is, in this edition, not put down as a middle piece, having a first and last part, but a distinct article, with a distinct title, as follows, “*Quod Juramentum debeant præstare seculares potestates.*” At the close of it, but at the commencement of what the archbishop calls the end of the canon, there is another distinct ar-

ticle or chapter, with its own title, as follows, "De privilegiis concessis, &c." The Mazarine copy may, for aught I know, be mutilated, but mutilation seldom means "a leaf torn," as it is explained by his Grace; for, if a sentence or word be taken out, the book is mutilated. Certain it is, that the Mazarine copy, being, as I understand, for I have not seen it, both in Greek and Latin, wants in both languages, if both it have, this chapter of the third canon, which the archbishop represents as a piece violently taken out from between the beginning and end of the canon. This canon is not in fact *one decision upon one matter*, but it is a law divided into distinct chapters or sections. The first of these condemns the Albigenses as heretics, and prescribes the proceeding to be taken against them, as well as the judicial means to be employed. The second chapter is that of whose authenticity there is question, and which, if omitted, leaves the proceedings of the council as against the Albigenses complete. The third section treats of the privi-

leges granted to those who would assist in expelling the unfortunate victims who had been denounced. The fourth excommunicates all persons who should presume to preach without license. The fifth treats of the deposition of such bishops as should neglect the works assigned them by the council. These five chapters compose the celebrated *third canon*; and one of the five is omitted in both versions of the council as found in the Mazarine copy. Crabbe, the Franciscan, published in 1558 an edition of the Councils, and it is with reference to the entire of that work, and not to any particular part of it—as his Grace would give their Lordships of the committee to understand—that he mentioned his having used great diligence in searching out every where for the documents required for the execution of his work; but it appears from the letter of John Cochleus, or Colclough, published by Crabbe in this very edition, that he, Cochleus, was the first and only person who in 1537 discovered this canon, and sent it to John Rincus of Cologne. Crabbe

had therefore but little difficulty in finding it for his *second* edition. But in the *first*, published by James Merlin in 1530, it does not appear. The truth is, that the acts of this council, or at least a great portion of them, were ascribed rather to Pope Innocent than to the council itself. Platina ascribes them to him ; so does Rigordus : his Nephew Gregory IX. does so, whilst he inserts them in the book of the Decretals. The council “Bitterense” in 1246, though it quotes the council of Toulouse, upon a matter also treated of in Lateran, omits all mention of the latter—that of Aix about the same time omits all mention of it. There was no copy of its Acts, as was then usual, preserved in the archives of the metropolitans who assisted at it, nor even at Rome, so that the account given of it by Mathew Paris in his History of England, (ad. an. 1215,) and again, in his Life of Stephen Langton, (in his Antiq. Britan.,) though somewhat partial, is not undeserving of attention. He says: “After the council was opened in the usual forms, and a

discourse delivered by the pope, sixty chapters or canons were read in full sitting, but which seemed to many (*onerosa*) not acceptable, and then they proceeded to what related to the Holy Land." And again: "This council, which, according to the custom of the popes, wore at first a magnificent appearance, ended in ridicule *in risum et scommam*." but Nauclarus (in his Chronicle ad. an. 1215) is a better authority, and he says, speaking of it, "that many things were deliberated on, but nothing "could be finally determined, because the people of Pisa and of Genoa were engaged in war, as were the people beyond the Alps." The monk Godfrey, as also Platina, in his Life of Innocent III., testify exactly the same thing. And from those testimonies, I would be inclined to infer that, at least, such portions of the council as related to temporal matters were not regularly enacted, and probably at no time had the force of law. But unless as a matter of historical curiosity, I am perfectly indifferent as to whether the part of the canon in question be genuine

or spurious ; whether it be deemed to have had the form of law or not. The Catholics of the present age have as little interest in it as in any of the laws in the Pandect. If it was a law, it was either enacted by the emperors and kings of Europe in conjunction with the pope and bishops who had temporal rights as sovereigns or barons, or it depended for its force upon the acceptation or confirmation of it by such states or potentates as would be affected by it. As to the lords who were to be deprived of their rights and possessions in virtue of it, they were either such as held fiefs of the Church or of some superior lord, or such as had no superior lord. The first class of these could, according to the feudal law, be deprived of their fiefs or possessions if they did not fulfil the conditions on which they held them. One of these conditions, as we know from the history of Peter Villicern, (c. 3, 4, et seq.,) treating of the cases of the Count of Toulouse now principally concerned, was, that they should preserve the Catholic faith inviolate within their

territories. The second class, or the lords who had no superior lord, according to the feudal language and custom, were those who held immediately from the king, and who, by special privilege, were exempt from doing homage or paying sockage or any kind of tribute, but who were, nevertheless, subject to the royal jurisdiction in all things else. Every canonist or person acquainted with the Roman law knows that kings or persons possessed of the royal and imperial dignity, are never signified by any form of words without special, and most special mention, *specialis et specialissima nota*, being made of them. So true is this, that the constitution of the Emperor Frederick II. given at Padua in 1225, uses exactly the same phraseology as the decree of Lateran, though it is only addressed to, or intended to affect, such princes, dukes, and barons, as held in one form or other, fiefs of the empire.—But, my Lord, I have trespassed on your attention by such an essay on matters which should not have been introduced elsewhere for the purpose of con-

victing a nation of perjury, and of closing up the doors of Christian charity and social concord.

Were I to place in juxta-position with the decree of Lateran, the statutes enacted in our parliament against Catholics, the fines paid by popish recusants—fines which, for three successive reigns, formed one of the greatest items in the king's revenue, until they reduced to ruin and beggary the most opulent and respectable families in these kingdoms ;—were I to introduce the act by which, in the time of Cromwell, the Irish Catholics were exterminated, to use the language of the council of Lateran, from three provinces of Ireland, and sent to perish in the woods and morasses of Connaught, whilst their lands were given to be occupied by Protestants ;—were I, my Lord, to introduce from our penal code any one section of an act of parliament, or any one paragraph from royal instructions or vice-regal proclamations, a large collection of which are now upon my table, I might prove, it is true, that the demon of per-

secution dwelt as frequently at Westminster or Dublin, as at the Lateran-hill, or at Toulouse ; I might satisfy the most sceptical, that Protestants and Catholics have alike to deplore the ignorance and infatuation of their ancestors. But such retorts could only serve to gratify those bad passions, which it is the duty of every good man to seek to extinguish.—Such recriminations could not contribute to heal our divisions, or to knit us together as one people in the bonds of undivided interest and social affection. I therefore dismiss such topics from my pen and from my mind.

If, by the arguments here adduced, I should have succeeded in satisfying your Lordship that the oath whereby we declare “that no foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm,” is one which we keep and revere ; should I have convinced your Lordship that there is nothing

“delivered, defined, and declared,” by any authority in our Church to be believed by us, which at all conflicts or interferes with that oath, or with any other part of our oath of allegiance; should I have proved to the satisfaction of your Lordship that there probably never was, and certainly that there has not been for centuries, and that by no possibility can there be hereafter, any law binding upon his Majesty’s Catholic subjects, which arrogates to the pope, or to any ecclesiastical authority, a power of interfering with the temporal concerns of kings or states; should I have satisfied your Lordship on these matters, and proved to your Lordship’s satisfaction, that we are capable of paying to the government all the duties which are due to it, I should have greatly advanced the cause of a loyal and suffering people; and what is still more dear to me, I would have promoted the interests of truth and justice, of Christian charity and peace.

SECTION XI.

Immoral and anti-social Doctrines imputed to Catholics.—Council of Constance, and Sigismund.—Sketch of Proceedings against Huss. Doctrine of the Council.—Proper Mode of ascertaining Catholic Tenets.

HAVING, as I trust, to your Lordship's satisfaction, set this matter as to the council of Lateran at rest, I proceed to the discussion of another, and no less weighty charge, made against us; to wit, that our Church abets, or upholds, certain anti-social doctrines: and first of all, that engagements entered into by us with heretics may be disregarded, even though confirmed with an oath. At the head of this charge was usually placed the decree of the council of Constance, relating to the safe conduct given by the Emperor Sigismund to John Huss—a decree scarcely less celebrated than that of Lateran itself. The imputation, how-

ever, inasmuch as it rests on the decree of Constance, is not likely to be revived in future, unless by a class of persons who will be always clamorous, and calumnious, when stimulated thereto by their superiors, without being capable of discerning the merits of any thing beyond the mere detail of their own humble occupations. The Catholic Archbishop of Dublin, in the evidence before alluded to, (p. 659,) has given an exposition of the proceeding at Constance, which must satisfy every impartial person, that the argument founded upon it is entirely futile. He has stated in substance, that Huss being cited before a competent tribunal, and one which he acknowledged as such, obtained a safe-conduct, or passport, from the emperor, to protect him on his way to Constance; that, when at Constance, he was condemned as contumacious, in maintaining, amongst other errors, (for there was scarcely any thing impious or erroneous which the unhappy Huss did not maintain,) that grace was the foundation of

power; that there is no temporal lord, no bishop, when in the state of mortal sin—that a king in a state of mortal sin, is not king-worthy before the Lord, according to the expression of Samuel to Saul : “ *Because thou hast rejected my name, the Lord hath also rejected thee ; look on thyself no longer as king ;*” that the council having condemned him, they handed him over to the secular power at Constance, to be dealt with according to law ; that unfortunately the same statute, *de comburendo heretico*, which, till lately, disgraced our statute book, was then in force at Constance ; and that the unfortunate Huss was, like another Servetus, or like the hundreds of victims in the time of Mary and Elizabeth, consigned to the flames ; that Sigismund (who, by the way, told Huss, at Prague, that if he did not retract his errors, he, the emperor, would light the pile to consume him) being reproached for not protecting the unhappy victim from his fate, sought from the council a justification of his conduct. When accordingly a decree was issued, declaring that there was no

violation of faith in this case, by whatever tie the emperor, in giving the safe conduct, might bind himself; whereas he had no power to prejudice the rights of the council in giving judgment in a matter of doctrine, nor those of the magistrates of Constance, a free and independent city, in the execution of their own sanguinary laws; and because he had done," says the decree, "what was in his power,"—namely, to protect Huss in coming to Constance, and by insuring equal safety to him on his return, in case of his acquittal. Fortunately, my Lord, there is upon record a proof of this council holding a doctrine the very opposite of what is imputed to it. I find annexed to the acts of its 45th session, in a copy of its proceedings now open before me, the bull of Pope Martin V., *Inter curas*, &c., in which, after reciting the errors of Huss, it is ordered that persons suspected of them be interrogated as to their belief, and amongst the interrogatories to be put to them severally, one is: *Utrum credat, quod perjurium scienter commissum, ex quacunque*

causa vel occasione, pro conservatione vitæ corporalis, vel propriæ, vel alterius, etiam in favorem fidei, sit mortale peccatum? By this it would appear that no cause, however dear or sacred, not the preservation of one's own life, nor of the life of any other person; nor the good of the Church, nor of the faith: in a word, that no cause or motive whatever can, in the opinion of those who sanctioned that bull, excuse a man for committing perjury, or violating his oath. This charge is, indeed, so heinous, that I never read even an indirect allusion to it, without feeling my indignation moved; and when forced to disclaim it on taking the oath of allegiance prescribed to be taken by Catholics, the blood receded from my heart. To assuage the workings of an honourable mind thus humbled, and almost disgraced, it is necessary to seek support in the promise of the Redeemer—"Blessed are ye when men revile you and say all manner of evil of you;" for truly the Christian man, who is deemed capable of violating his engagement with his fellow-man, when,

moreover, that engagement is sanctioned by an oath; the Christian who is thought capable of supposing that his Church can be served by fraud and perjury, is either worse than the savage who traffics in human blood, or "he is reviled, and all manner of evil is said of him." These sentiments, my Lord, are so strongly impressed upon my mind, that although I might be able to control my feelings if I were to discuss much of the evidence given before the committees of both houses of parliament, relating to this charge, and intended to give to it an air of plausibility, yet from the high respect I bear your Lordship, I think it more becoming to abstain from a special examination of that evidence, the more especially as I find nothing in it to which I could give the shape of argument, and to confine myself to an exposition of what our doctrine is, with regard to oaths, and all engagements to which oaths may happen to be annexed. In discussing the subject of divided allegiance, I found in the decree of Lateran something intelligible and worthy of elucidation, but all that

has been advanced, with a view to render our fidelity suspected, whether in our oaths, or in our engagements, is obscure and unintelligible. It is for the greater part a fanciful creation of systems which never had existence; or consists of inferences drawn from theories and suppositions entirely gratuitous; or again, from isolated facts, which, if rightly understood, have no relation whatever to the unmerited imputations which they were intended to justify. In the sequel of this essay, I hope to prove to the satisfaction of your Lordship, that persons who would insinuate that there was a something mysterious in the doctrines of our Church; a something undefined and unintelligible, which loosed the great bonds of morality, and sapped, if it did not destroy, the sanctity and inviolability of oaths themselves—I hope to make manifest to your Lordship, that those persons are not only, as they sometimes profess themselves to be, ignorant of our doctrines, but unacquainted, to a degree quite surprising, with the first rudiments of the science necessary for the right

discharge of their own duties. When Tertulian, in his book on Prescriptions, enumerated the several causes why a certain description of persons should not be attended to, in their attacks upon the doctrines of the Church, one cause which he assigned was, *quia erant rerum ignari*; because they were ignorant of what they attempted to arraign. I might resort to a similar plea against several of those who now assail us, but I am not writing against them, I am labouring for your Lordship's information.

When your Lordship, as one of his Majesty's responsible ministers, has to advise his Majesty with regard to any matter involving a question of law, you deem it a duty to consult the law officers of the crown, and their opinion, on account of their calling, office, and profession, is deemed preferable to that of persons not equally versed in legal science, or equally responsible to the crown, or to the country, for the opinions which they might deliver. A case is prepared for them; they deliberate on it at

their leisure ; they consult the necessary authorities or precedents, and they lay the result of their consultations before your Lordship or the council. This mode of proceeding is wise and just ; it is sanctioned by the plainest dictates of reason, and adopted by all the governments of all civilized countries. It is, indeed, the obvious mode of obtaining the best information which can be had upon any legal question not well understood, unless when the question is such as might require for its decision the collective knowledge and wisdom of all the judges in the land. A similar mode of proceeding has been always adopted with respect to questions involving the doctrines or laws of the Church ; convocations, or conferences, or assemblies, more or less numerous, of learned divines, have, at all times, heretofore, as well in this country as in every other, been deemed necessary in order to enable the crown, or the legislature, to come to a safe and just decision upon matters involving the high interests of the Christian religion, or of those who profess it.

Had this mode of proceeding, so wise in itself, and so conformable to ancient precedents and usage, been adopted on a late occasion, when it was thought proper to institute an inquiry into whatever related to the doctrines and discipline of the Catholic Church in Ireland, those dignified assemblies who were interested in the inquiry would have obtained in the most clear, full, and satisfactory manner, all the information which they might think proper to require. The crown and the legislature would then have before them authentic information, given after diligent inquiry and due deliberation by those whose profession, as in the case of the law officers of the crown, enabled them to form just opinions, and whose office imposed on them a responsibility of not declining to the right hand or to the left. A few individuals would not have been taken as it were accidentally, and interrogated before the world upon a great variety of important and highly interesting matter, about which they had not previously received, and could not obtain, the slightest infor-

mation, but upon which much previous diligence and industry had been employed by those who interrogated ; by some for the purpose of eliciting truth, by others for purposes equally laudable, according to their own views, but not equally well calculated to attain the supposed end of the inquiry. Had this course been adopted, your Lordship would not have witnessed the strange and unprecedented fact of other men giving evidence upon a matter about which they avowed their incompetency to form opinions ; you would not have assisted at an exhibition where the doctrines, laws, and usages of a great Church were sought to be ascertained, not in the easy, open, and obvious manner which I have pointed out, but from persons ignorant of them, and who, in regular and premeditated concert with others, were obviously intent, not on the elucidation of what they did not know, but on the raising of obstacles to the concession of those claims which were then incidentally, if not principally, under consideration. If this proceeding, however, has not been such as was best calculated to acquire

information, or to remove doubts, should doubts have any where existed, that is in no wise to be attributed to your Lordship, and I shall therefore proceed to state briefly the doctrine of Catholics as it relates to oaths, or to engagements to which oaths may happen to be annexed. One reflection, and one only, I should wish to premise, though it be not particularly called for by this part of my observations, and it is, my Lord, that our Church is of an immense extent, both as to time and place; that she embraces, or has embraced, almost every nation and every clime; that she has had to struggle with innovators during every age for eighteen hundred years; that she had to accommodate her laws and discipline to the dispositions, habits, and manners of the tribes, and tongues, and peoples, whom she embraced,—to the genius of the ages and the spirit of the governments, and of their laws, under which she has abided, whether in war or in peace; and that, therefore, her decisions on points of doctrine are numerous beyond com-

putation, and the code of her laws proportionably voluminous. She has, it is true, from time to time, made great and almost surprising efforts to condense her decrees, to shorten and simplify her laws, just as your Lordships do in parliament, when you collect and repeal many statutes, combining whatever was useful in them into one simple act ; she has, in the council of Trent, done more in this respect than seemed almost to have been possible ; and should another general council ever happen to be assembled, it will, I am confident, continue to labour in the same course. The laws of the council now mentioned, wherever they are received, constitute, for much the greater part, what our canonists call the *Jus Novum Ecclesiae*, or the modern law of the Church ; and when questions arise amongst us with regard to doctrine or discipline, it is to that council, or to decisions pronounced in the highest of our ecclesiastical courts, in conformity with its decrees or canons, that, for the three last centuries, we almost universally refer. Each nation indeed has its own particular usages and

laws, and the bishops and others authorized thereto, may from time to time assemble and enact such canons as the advantage or necessity of their particular Church may require. When the government is Catholic, its permission is required for the holding of these assemblies, and their proceedings, should they at all interfere with the temporal concerns of the faithful, cannot have effect without the sanction of the secular power. This right has always resided in every Church; but to insure a discreet exercise of it, and to preserve as much as possible a uniformity in discipline, the proceedings of all national or provincial synods, by the law as it now stands, require for their validity, the approbation of the pope. From this sketch of our doctrinal and legal economy, if I may so style it, two things must be quite obvious to your Lordship: first, that it would be as unreasonable to expect the same simplicity in our laws, as might be found in those of a Church of one or two centuries, and confined to some one nation, as it would be to look for

the same number of statutes in the new state of Colombia, as are to be found in the code of Great Britain; and that it would be equally unwise—a similar proof of presumption and ignorance for a man to charge the whole system of the British laws and constitution, with inconsistency or absurdity, because their nature and meaning were unknown to him, as it would be to pronounce the creed and discipline of the Catholic Church monstrous, because it happened not to be understood by him. The harmony, the beauty, the excellence of the constitution and laws of England, are always appreciated and prized in proportion as they are known and understood, whilst their antiquity contributes to render them venerable and secure; so my Lord, the order, the harmony, the consistency of our doctrine, and of our ecclesiastical government, have been, for similar reasons, approved and appreciated at all times, by the wise and learned of all sects and countries. To these qualities, so eminently conspicuous in our Church, her continuance

and preservation amidst the wreck of states and nations, have been attributed by the most learned of her adversaries, whilst we assign them to that all-ruling Providence, which, in virtue of the Redeemer's promise, watches over her with a peculiar and unceasing care. The second thing which appears from what I have noticed, is, that if any one wish to learn our doctrine and discipline, the laws and usages which prevail universally amongst us, or which are confined to any one nation or province, he must have recourse for such information to the authentic records of our faith, and to the code of our existing laws ; and should he be unable to satisfy himself by the inspection or perusal of these, he must, as in all analagous cases, apply to men, who, by their profession and station in the Church, are competent, and even obliged to furnish it. But if he wish to be deceived, if he be inclined to have his former prejudices and prepossessions confirmed, if he be anxious to justify his inveterate and unchangeable hostility to the Catholic religion,

and to whatever appertains to it, then let him read the productions of her artful, designing, and interested foes; let him collect together the effusions of religious spleen,—the ebullitions of heated feeling,—the bitter fruits of wounded pride,—the researches of reckless apostacy,—or the paltry essays of pretended knowledge.

SECTION XII.

*Catholic Doctrine on Oaths fully expounded.—
An Observation attributed to the Lord Bishop
of Chester elucidated.—The Argument of his
Lordship refuted.*

ON the subject of oaths, I can present to your Lordship nothing more authentic, and at the same time so brief, as what relates to it of the Catechism of the council of Trent. This Catechism, as I once before had the honour of mentioning to your Lordship, is a most authentic exposition of our faith, inasmuch as it embo-

dies and explains not only the doctrinal decisions of that council, but also the several articles of the creed commonly called the Apostles' Creed—the commandments of the Decalogue, the precepts of the Church, the Mass, and the sacraments, as they are received and understood by all Catholics. This Catechism has also been approved of and published by the pope, and assented to by all the bishops in communion with the see of Rome, without a single dissentient; so that it may be considered as an epitome of Catholic doctrine and belief. In the exposition of the divine command, "Thou shalt not take the name of the Lord thy God in vain," this Catechism, (p. 264, ed. Rheims, an. 1720,) after expounding the obligation of honouring the name of God, and the different modes in which Christian men should do so, proceeds to explain what an oath is, and the conditions necessary to render it lawful.—It says that, "An *oath*, or *to swear*, is, 'to call on God to witness, *Deum testari*, in whatever form or manner of words the same

“ may be done; for ‘ *God is my witness,*’ and
“ ‘ *by God,*’ are the same. The second mode
“ of swearing is, when, to make certain, or to
“ give assurance, we swear by created things,
“ as by the holy Gospels of God, by the cross,
“ &c.: nor indeed do these things of themselves
“ give any authority or strength to an oath,
“ but God himself does so, the splendour of
“ whose divine majesty appears in these things;
“ from whence it follows, that they who swear
“ by the Gospel, swear by God himself, whose
“ truth is contained in and declared by the
“ Gospel, &c. The third mode of swearing
“ is by execration, like that of St. Paul, (2
“ Cor. 1. xxiii.): ‘ I call God to witness upon
“ my soul;’ for in this manner a person is sub-
“ ject to the judgment of God as the avenger
“ of a falsehood. Nor do we, therefore, deny
“ but some such modes of expression as this
“ might be so understood as not to have the
“ force of an oath, but, notwithstanding, it is
“ useful to observe in these cases also, what has
“ been said of an oath, and to regulate them

“ exactly according to the same form and rule.” After explaining the nature of an assertory or purely affirmatory oath, such as that of St. Paul, (Gal. 1. xx.,) and of a promissory oath, such as David, (3 Kings, c. 1. xvii.,) swearing to Bethsabee, by the Lord his God, that Solomon, her son, should be his heir, and succeed to his throne, the Catechism proceeds: “ Al-
“ though *for* to swear, it be sufficient to call
“ God to witness, yet that the oath be just and
“ holy, many more things are required, which,
“ as Jerome testifies, are enumerated by the
“ Prophet Jeremias (4 c. v. ii.) where he says,
“ ‘ *Thou shalt swear, saith the Lord, in truth,*
“ *in judgment, and in justice;*’ in which words
“ he has briefly and succinctly collected what-
“ ever the perfection of an oath requires, to
“ wit, truth, judgment, or justice, and neces-
“ sity. Truth, then, holds the first place in an
“ oath, so that what is asserted must be true,
“ and he who swears must believe it to be so,
“ not rashly, or by conjecture, but with the ut-
“ most certainty. The other kind of oath, by

“ which we promise something, requires ex-
“ actly in the same manner that it be true ; for
“ he who promises any thing, ought to be so
“ disposed, that when the time comes, he do
“ that thing, and fulfil his engagement ; for an
“ upright man will never undertake to do what
“ he considers contrary to the most holy com-
“ mandments and will of God. *But whatever*
“ *it will be lawful to promise and swear, that,*
“ once promised, he will never change it, unless
“ such alteration of things happen, that if he
“ kept his faith, and stood to his promises, he
“ would incur the hatred and offence of God.”
But that truth is necessary to an oath, David
also intimates in these words : “ Who sweareth
“ to his neighbour and doth not deceive him.
“ Ps. xiv. 4.” After treating of the necessity
which is required to justify swearing, and ex-
plaining what a rash oath is, the text continues :
“ There remains justice, which is chiefly re-
“ quired in promises ; wherefore if any one
“ promise what is unjust and dishonest, he
“ sins by swearing, and by fulfilling such pro-

“mises, heaps crime on crime. There is an
“example of this in the Gospel, (Mark, 6. 23,)
“the case of the King Herod, who, bound by a
“rash oath, gave to the damsel who danced
“the head of John the Baptist, as the reward
“of her dancing. Such also was the oath of
“the Jews, who, as it is related in the Acts of
“the Apostles, (23. c. 12,) bound themselves
“with a curse, saying that they would neither
“eat nor drink until they had killed Paul.” The
Catechism proceeds to prove, and to explain,
the lawfulness of swearing, with these condi-
tions : The end for which an oath should be
resorted to, the great sin of swearing rashly or
falsely, the threat recorded in Exodus, (ch. 20.
7.,) against those who take the name of God in
vain ; and concludes by pointing out to clergy-
men the several arguments they should employ
for the purpose of deterring the faithful from so
great a crime as taking the name of the Lord in
vain, contrary to the command in the Deca-
logue.

This, my Lord, is a perfect summary of the Catholic doctrine respecting oaths; an abstract of which is found in all our catechisms. In our largest sized catechism, called, an Abridgment of the Christian Doctrine, is found the following exposition respecting oaths :—Q. “ What is forbidden by this precept? (Thou shalt not take the name of the Lord thy God in vain.) A. All false, rash, and unnecessary oaths. Q. What kind of sins are false and rash oaths? A. Mortal sins, if they be voluntary, and deliberate; because by such oaths we call God to witness a lie, or at least to witness that which is uncertain. Q. What are the necessary conditions of a lawful oath? A. Truth, that we hurt not God’s honour, justice, that we wrong not our neighbour, (*that is, mankind of every description, even those who injure us, or differ from us in religion,*) and judgment, that we swear not vainly. Q. What is the just cause of an oath? A. God’s honour, our own or our neighbour’s good or defence. Q. If a man swear to do that which is evil, is he bound to keep his oath?

A. No, he is bound not to keep it, for an oath is no bond of iniquity. Q. How prove you a vain or jesting oath to be a sin? A. Out of St. Matt. (v. c. 33,) 'It was said of old (said the Lord) Thou shalt not commit perjury, but I say unto you, not to swear at all,' that is without just cause. Q. What other proof have you? A. Out of St. James, (c. 5. xii.) But above all things swear you not; neither by heaven, nor earth, nor any other oath; but let your talk be yea, yea, no, no, that ye fall not under judgment." In Butler's Catechism a similar exposition, but more brief, is given, and in reply to the question, "What do you mean by an unjust oath?" the following answer, "An oath injurious to God, to ourselves, or to our neighbour," is found in some editions: in others the words "to ourselves" are omitted. I refer to this on account of the mention, not very honourable, reported to have been made of it by the Lord Bishop of Chester, in the last debate upon the Catholic Relief Bill in the House of Lords; and that, before I proceed to observe

generally upon our doctrine respecting oaths, I may satisfy his Lordship upon a point which Christian candour should lead a person, who took a different view of Catholic politics from the Right Rev. Prelate, to interpret in quite another way from that which occurred to him.

Doctor Blomfield, I am confident, is well aware that we owe duties as well to ourselves as to our neighbour; and if an oath which would bind us to violate a duty which we owed to our neighbour would be unjust and impious, I cannot conceive why an oath which, having no reference to our neighbour, would yet bind us to violate a duty which we owed to ourselves, should not be deemed equally unjust and impious. That, by an oath injurious to ourselves, as mentioned in the Catechism, one which made or confirmed any engagement or promise to our neighbour, or from which he could derive any advantage, was not to be understood, might easily be deduced from the context; from the whole of our doctrine, as respecting justice;

the same could be learned from any other Catechism, and the obscurity, if any, could have been removed, by inspecting other editions of even the same Catechism; but that charity which “thinketh not evil,” was silenced in the zeal with which the bishop laboured to defeat our claims. I am almost unwilling to submit to your Lordship any Catholic authority in explanation of this objection raised by the right reverend prelate; I prefer for this purpose the learned and unexceptionable Grotius *De Jure Belli et Pacis*, (lib. 2. c. 13. n. vii.) He is proving that an oath which obliges to any thing unlawful does not bind; and having established his position with regard to such oaths as would oblige us to violate the law of nature, the divine law, or even a human law, he proceeds: “Nay, though what is promised be not illegal and unjust, but hinders some greater moral good, in this case also the oath shall not be binding; because we stand so much indebted to God for our endeavours to grow and improve in virtue, that it is not in our power to deprive

“ ourselves of the liberty of doing all the good
“ we can. There is a remarkable passage, in
“ that *Philo-Judeus* I just mentioned, not im-
“ pertinent to the affair in hand, and is very
“ well worthy our inserting here: ‘ There are
“ some people of so morose and unsociable a
“ nature, either in hatred to all mankind, or as
“ being so much in slavery to their own fury
“ and passion, that they confirm this unhappy
“ temper even by an oath, swearing, for in-
“ stance, that they will never eat at the same
“ table, or lie under the same roof, with such or
“ such a person.’ ” The doctrine here taught by
Grotius, is the doctrine of truth, and the per-
verseness or malice which he supposes, with
Philo, to actuate some individuals, whether to
violate personal duties, or to omit the perfor-
mance of what the divine Grace often excites
men to practise, is not an imaginary supposi-
tion, as I myself, from my experience and know-
ledge of men, can with great truth testify. But
if the doctrine of Grotius be admitted, and no
reasonable man can deny it, then the Lord

Bishop of Chester has no reason to find fault with Butler's Catechism ; he should rather study to make himself acquainted with the duties of man, and the doctrine of reason and revelation with regard to oaths. As to his Lordship's quotation from the psalm, descriptive of the just man : " He that sweareth to his neighbour and " disappointeth him not, though it were to his " own detriment," it ought not to be contrasted with a doctrine to which it is in no wise opposed. To that saying of the psalmist I most willingly subscribe, though it be quoted from a version of the Bible of which I do not approve, and differs somewhat from the Septuagint and Vulgate editions, as also from the meaning which Grotius himself attributes to that text of Scripture in his notes on the psalms. So widely indeed does our doctrine differ from what is covertly imputed to us by the Right Rev. Prelate, that the contrary is not only taught by all our divines and canonists, but embodied as a rule in our canon law (c. 2,) *De Pactis* in 4to. has the following article : " *Debitores ad solvendas usu-*

“*ras in quibus se obligaverant, cogi non debent ;*
 “*si vero de earum solutione juraverint, cogendi*
 “*sunt Domino reddere juramentum.*” Also (lib.
 5, sec. ii.) “*Dato jurejurando, non aliud queri-*
 “*tur, an juratum sit, remissa questione an debe-*
 “*atur, quod satis probatum sit jurejurando.*”

Here then, so far from being exempt from the obligation of an oath injurious to one's self, if at the same time it concern our neighbour, the very contrary is expressly decreed by our Church law, and that not only when the rights of our neighbour are founded upon a lawful engagement, but even when they result from a contract prohibited and annulled by law, as usurious contracts were ; because, as the canon declares, “faith must be kept with God, and it “is not how the money became due, that it is “to be inquired into, but was the oath taken ? “for if it was, it must be fulfilled.” This, of course, supposes that the fulfillment of it involves no crime, for, in the book just quoted, the following rules are found almost in juxtaposition : the first, “*Omne juramentum est ser-*

*“ vandam, quod sine salutis æternæ dispendio
“ ET PREJUDICIO TERTII servari potest.”* Second, (c. 18. de R. J. in 6,) *“ Non est obligato-
“ rium contra bonos mores præstitum juramen-
“ tum.”*

This subject does not deserve the trouble which I have bestowed upon it, and were the observation attributed to the learned prelate made by a less dignified person, or on a less solemn occasion, I should have been as little disposed to notice it as any other of the imaginary crimes or immoralities, daily and almost hourly assigned to Catholics, as an integral and sacred portion of their doctrine or practice.*

* In the minutes of evidence before the lord's committee on the 20th of May, 1825, (see Report, page 281,) a witness being sworn, is asked the following question: “ Among the doctrines of that Church [the Catholic] is that of the means being justified by the end or the object proposed one ?—For example, that

SECTION XIII.

On Equivocation and mental Reservation.—

These Vices formally condemned by the Catholic Church.

I COME, from the council of Constance and the Lord Bishop of Chester, to the proof of our

bad measures may be taken to effect good objects?"

Answer. " I recollect it is an axiom laid down in the principle of education, connected with the pursuit of ethics, that the end justifies the means." This man swears that he imbibed this doctrine at Maynooth, where he was educated. He also swears that the priests arrogate to themselves the power of working miracles! He swears that they are opposed to education! I should not be surprised if some person were found to swear that we had expunged from the writings of the Apostle the words "evil is not to be done, that good may come from it."

rectitude and candour, when in the oath of allegiance we use the following words: “ And I
“ do solemnly, in the presence of God and of
“ his only Son Jesus Christ my Redeemer, profess, testify, and declare, that I do make this
“ declaration [of fidelity, allegiance, as well as
“ the abjuration of the deposing power in the
“ pope, the not keeping faith with heretics, &c.]
“ and every part thereof, in the plain and ordinary sense of the words, without any evasion,
“ equivocation, or mental reservation whatever,
“ and without any dispensation already granted
“ by the pope, or any authority of the see of
“ Rome, or any person whatever; and without
“ thinking that I am, or can be acquitted before
“ God or man, or absolved from this obligation,
“ or any part thereof, although the pope, or
“ any other person or persons, or authority
“ whatsoever, shall dispense with or annul the
“ same, or declare that it was null and void from
“ the beginning.—So help me God.” Had the legislature not sanctioned this oath,—had bills for our relief not been passed on the faith of this

oath,—had we not religiously adhered to the terms and stipulations of this oath,—had any thing occurred during the eventful period which has passed since this oath was framed, to show that our reverence for it was diminished, or the faith plighted by it relaxed, then a justification of our doctrine would be required, and arguments to show that we trifled with our engagements, and mocked the Almighty God, would be deserving of attention; but if we so punctually adhered to our engagements, so religiously observed this oath in the most tempting and trying times, that our most bitter adversaries do not presume to charge us with any breach or violation of either, then, my Lord, you can estimate justly the feelings with which I seek to repel the insinuations thrown out against us on this head, not by retorting or recriminating, (for which materials would not be wanted, were I disposed to employ them,) but by a just exposition of our doctrine respecting oaths.

Your Lordship has perused the exposition

of our doctrine, as taken from the most authentic source; and it is needless to observe, that nothing can be found in it to savour of insincerity, equivocation, or mental reservation. This exposition has for its object the instruction of all Catholics in whatever is necessary to be believed or practised by them with regard to oaths; it does not descend to the discussion of school questions, which have contributed more to the distortion of the human mind, than to the elucidation of truth. The Catholic Church does not contemplate, in her solemn instructions upon oaths, the existence of such a vice as equivocation or mental reservation, but whenever it appeared, through the corruption of men, or the malice of the enemy, she has opposed and condemned it like any other vice or error. I have now before me more than a hundred propositions, containing the most absurd and impious doctrines which could well be devised or imagined, all of which were condemned in the 17th century by the Popes Alexander VII., Innocent XI. and

Alexander VIII., as well as by the French clergy in their general assemblies. These errors and impieties were all taught by individual Catholics, and are to this day often imputed to those who execrated and condemned them; and who would have cast the authors of them out of the Church, amongst the heathens and infidels, if they had not retracted, and repented of their errors. Amongst the propositions condemned by Pope Innocent XII., in 1679, I find the two following, which relate to the subject I am discussing. The first, No. 26, says, “ *Si quis vel solus vel coram aliis, sive interrogatus*
“ *sive propria sponte, sive alio quocunque fine,*
“ *juret se non fecisse aliquid quod revera fecit, in-*
“ *telligendo intra se aliud quod non fecit, vel aliam*
“ *viam ab ea in qua fecit, vel quodvis aliud addi-*
“ *tum verum, revera non mentitus, nec est per-*
“ *jurus.*” The second, No. 27, “ *Causa justa*
“ *utendi his amphibologiis est, quoties, id neces-*
“ *sarium aut utile est ad salutem corporis, hono-*
“ *rem, res familiares tuendas, vel ad quemlibet,*
“ *aliud virtutis actum, ita ut veritatis occultatio*

“ censeatur tunc expediens et studiosa.” This abominable doctrine is the same in substance as that attributed to Garnett by Dr. Lingard (Hist. of Eng. vol. 9. p. 37.) in his account of the trial and execution of that unhappy culprit. Garnett declared, “ that the practice of requiring men to accuse themselves, was barbarous and unjust; that, in all such cases, it was lawful to employ equivocation, and to confirm, if it were necessary, that equivocation with an oath.” Such monstrous and impious doctrines causes one to shudder, and the man who would maintain it, should be excluded from the relations of social life; the penal code itself would scarcely be too severe for him; but to attribute this doctrine to the Catholic Church, is scarcely less impious than to maintain it. We abhor it, we execrate it, we abjure it upon oath; the pope, with the express concurrence of the Church, formally condemned it, and unless we are to exhumate the remains of those who taught, or held it, and let their

ashes to the wind, I know not what more can be expected of us than what we have done. The justification of the censure inflicted upon this anti-social and impious error, is brief but significant; it is taken from St. Thomas, (2a. 2æ. Q. 89. a. 7. ad. 4.,) and is in the following words: “ *Debet juramentum servari secundum intellectum ejus, cui juramentum præstatum.* “ *Unde Isodorus dicit. Quacunque arte verborum quis juret, Deus tamen, qui conscientie testis est, ita hoc accipit sicut ille, cui juratur, intelligit. Dupliciter autem reus sit, quia et Dei nomen in vanum assumit, et proximum dolo caput.*” * This, my Lord, is the doctrine of Catho-

* “ Imo etiamsi res quæ promittitur non sit illicita, sed majus bonum morale impediens, sic quoque non valebit jusjurandum: quia scilicet profectum in bono Deo debemus, ita ut ejus libertatem eripere nobis ipsis non valeamus. Huc pertinet insignis ejus quem dixi Philonis Judæi locus, quem adscribere non pigebit: εἰσι δὲ οἱ τὴν φύσιν ἄμικτοι, καὶ ἀκρινώνητοι δι' ὑπερβολήν

lics, which they are obliged to hold, which it is not lawful for them to impugn, which it is a crime to depart from. An oath must be kept according to the meaning of him who administers it,

μισανθρωπίας γεγονότες, ἡ δὲ ὑπ' ὀργῆς ὅλα χαλεπῆς δεσποίνης ἐκκλασθέντες, ὅρκῳ τὴν ἀγριότητα πιστῶνται τῶν ἡθῶν, οὐτινες ἔφασιν ὁμοτράπεζον ἢ ὁμόροφον ἔξαινον τον δεῖνα, ἡ πάλιν τῷ δεινὶ μὴ ῥέξαινον ὠφέλειάν τινά ἢ παρ' ἐκείνου τινὰ λήψεσθαι, δε μέχρη τελευτῆς. *Sunt quidam adeo duro atque insociabili ingenio, sive odio humani generis, sive dura dominia iracundia subacti, ut morum feritatem jurejurando obfirmant, ut ne hunc habeant mensæ aut tecti socium, ne illi bene unquam faciant, ne quid ab eo ad mortem usque accipiant.*" This learned man, in the usual fashion of his age, illustrates this by definitions quoted from the Hebrew Scripture, and the old Syriac version of St. Matthew. I would beg the attention of the Bishop of Chester to this entire chapter. As a Protestant authority, Grotius I should think unexceptionable. It is true his book is dedicated to a Catholic prince, at whose court he was afterwards, and in consequence of its publication, chosen to represent

or to whom it is sworn; "whatever form of
" words may be used, however artfully they
" may be arranged, yet God, who is taken as
" witness of the conscience, so understands the

a Protestant sovereign. Doctor Blomfield will remember that this celebrated treatise was written when Europe was convulsed with religious wars; when the parties were at least as earnest in the maintainance of their principles, and perhaps as uncharitable in the imputation of motives, as many amongst ourselves are at this day. Yet Louis XIII. admires the treatise as much as Gustavus Adolphus. But Grotius, though residing at a court, was the friend of freedom; and though the citizen of a Protestant republic, he was the lover of Catholic truth. Men are not now, as they were in his time, in the habit of verifying their doctrines by authority. The practice is perhaps not necessary at present, but if used more sparingly than it is in the works of Grotius Selden, and their contemporaries, I am not sure that we should lose much by a return to the ancient system. Of this I am satisfied, that if the custom obtained more generally, there are some popular writers of the

“ oath as he does to whom it is sworn ; so that
“ if it be eluded or violated, a twofold crime is
“ committed : in other words, the name of God
“ is taken in vain, and the neighbour is circum-

present day, whose affectation of originality would be found of very little value. At all events it is fortunate for my purpose, that in the chapter from which the quotation is taken, the profound jurist pours forth all his learning on the subject of oaths. On looking through his authorities, the Right Reverend Lord will find, that exclusive of these extracted from the Sacred Scriptures, and the profane writers of antiquity, his doctrine is altogether grounded on the works of the saints and fathers of the holy Catholic and Apostolic Church. St. Chrysostom, St. Ambrose, St. Isidore, St. Basil, St. Augustine, the light and glory in his century, and of universal Christianity in the west, are the principal authorities on which Grotius relies for the truth and illustrations of the tenets he would impress upon the princes and statesmen of Europe, in regard to the sacredness, under almost every possible circumstance, of an oath. There may be many, but surely

“vented by fraud.” A prophet writing on this subject, declares, that the man who will dwell in the tabernacle of God, is he who speaketh truth in his heart, and who swears to his neigh-

not a Christian bishop, who may think that these holy and venerable men (at whom, by the way, it is now the fashion to sneer, in the popular literature of England) have carried their doctrines in this point to a romantic excess. But first let us hear the doctrine of those fathers, as quoted by Grotius, concerning MENTAL RESERVATION. “Thus saith my master, St. Augustine, ‘*Perjuri sunt, que, servatis verbis, expectationem errorum, quibus juratum est, deceperunt.*’ Thus St. Isidore: ‘*Quacunque arte verborum quis juret Deus tamen, qui conscientię testis est, ita hoc accepit, sicut ille, cui juratur intelliget.*’ As an instance of the extreme delicacy of the Catholic Church, as to oaths, hear St. Augustine again, a doctor of that Church: ‘*Et qui per lapidem jurat, si falsum jurat, perjurus est Non te audit lapis loquentem, sed punit Deus fallentem.*’” I do not travel beyond the page of Grotius for any authority, nor have I ever availed myself

bour, and who doth not deceive him.—Ps. 14. So Tertullian, (lib. 4. cont. Marion, c. 38,) observes: “In every question the meaning of “the answer should respond to the mind of “him who interrogates;” and Augustine, (ep. 125,) “They are perjurers, who, by forms of “speech, deceive those to whom they swear.” In his book against Lies, (c. 18,) this holy doctor proposes to himself the following case: “Behold a person placed at the point of death, “who wants strength to support him, if he be

of the voluminous commentary of Vander Muelen, though his authority ought to have some weight with the Bishop of Chester, the Dutch jurist being a client of King William, to whom he dedicates his labours, and a furious champion moreover of revolutions and Protestantism. It is needless to add, that I might fill a volume with similar quotations, had I allowed myself more scope, but it will be necessary to dilate somewhat at large on this subject in the text. I quote from Vander Muelen's edition, Utrecht, 3 tom. fol. 1700.

“ told that his only and most beloved son has
“ died, he inquires of you, who knew of his
“ son’s death, whether he lives? what will you
“ answer, when, in case you give any other
“ answer than, *‘he is dead, or he lives, or I do not*
“ *know,’* he who asks will believe nothing but
“ that the son is dead? Of these three answers,
“ two, to wit, *he lives*, and *I do not know*, are
“ false; *he is dead*, is the only true one; and if
“ you give this, and that the man’s death follows,
“ you will be loudly called his murderer.”
What solution does Augustine give to this difficulty? Does the evil to be avoided, or the preservation of life to be effected, justify in his opinion any equivocation, mental reservation, or departure from truth? No, he replies, in the true spirit of a Christian, “*Non me movet. I*
“ disregard, that, through our unwillingness to
“ lie, and a man dying on hearing the truth,
“ that truth should be called a manslayer, *ut*
“ *homicida dicatur veritas.*” But why quote
authorities to prove a truth which the voice of
nature, human reason, and all the wants and
interests of society, alike proclaim.

Well then, we have sworn to be faithful and to bear true allegiance to the king; we have sworn to defend him to the utmost of our power against all conspiracies, *or attempts, whatever*, against his person, crown, and dignity,—to do our utmost endeavours to disclose, and to make known to his Majesty, his heirs, and successors, all treasons and conspiracies which may be formed against him or them,—to maintain, support, and defend, the succession of the crown to his Majesty's family, &c. We have abjured all obedience or allegiance to any other person pretending, or claiming a right, to the crown of these realms; we have rejected, on our oaths, as unchristian and impious, whatever was imputed to us respecting the murdering men, or not keeping faith with them, on any ground or pretext of their being heretics; we have condemned, rejected, and abjured, on oath, the doctrine of the deposing power in the popes, or in any other authority; as also that the pope has, or ought to have, any temporal or civil jurisdiction, power, pre-eminence, or authority, directly or

indirectly, within this realm ; and we have expressly and explicitly sworn that we have taken these oaths without any evasion, equivocation, or mental reservation, whatsoever ; and without thinking that we were, or could be, acquitted before God or man, or absolved of these declarations, or any part of them, although the pope, or any other person or persons, or authority whatsoever, should dispense with, or annul the same, or declare them null and void from the beginning. We have done all this, my Lord, and if we be men and Christians,—if our doctrine be such as the legislature suppose, as our lives and conduct manifest, as our enemies admit, as I have proved it to be by the clearest and most irrefragable vouchers and testimony ; then, is it reasonable, is it just, is it consonant to what nature and the Gospel enjoin, to charge us with a disregard for oaths, or with a disposition such as the council of Constance imputed to the Hussites, viz., to commit perjury for the good of the faith? Oh, my Lord, it is infinitely painful to be obliged to vindicate one's charac-

ter, or the character of their religion, still more dear to them than their own, from the aspersions of ignorance, bigotry, or malice. This is the pain which I feel at the present moment, when my memory traces over the formal folly, the self-conceited ignorance, or the stupid malignity, with which a disregard for oaths and a relaxed morality have been imputed to our Church. These are strong expressions; but indignation, when justly excited, is a virtue much to be prized; it is like that zeal in the Redeemer, which caused him to address the Pharisees, saying, "Ye hypocrites;" and again, "ye hypocrites;" and a third time, "ye hypocrites"—"whitewashed walls and painted charnel-houses; beautiful on the outside, but within filled with rottenness and corruption." The woman who dallies with the seducer, is his accomplice, and proclaims her own guilt; it is so with him who is passive under heinous imputations.

We are coolly charged with being liable to

be loosed from our allegiance by some dispensation, whilst we have sworn the contrary; we are represented as liable to be seduced into error for the exaltation of the Church, though we have adjured God to witness our engagements to be faithful and obedient to the king, and to support the existing laws and institutions of the country; we are spoken of as persons who worship a power in the pope, all belief in the existence of which power we have solemnly abjured on oath. When our name, our faith, our reputation as men, as Christians, as subjects, and citizens of a free state, are thus assailed, how, my Lord, are we to comport ourselves; or rather, in what language should we repel an indignity—an insult so grievous and intolerable?

SECTION XIV.

On the Inviolability of Oaths and Engagements made or entered into by Catholics.—The Doctrine of dispensing with Oaths fully discussed and illustrated.

BUT to the charges already enumerated, is added another scarcely less offensive, that of our believing that we may be freed by some dispensation from our lawful engagements, though confirmed with an oath; nay, some persons have in times past, and what is more to be lamented, even at a later period, strongly insinuated, that licenses are granted in our Church to take oaths which are not deemed lawful in themselves, but yet permitted on account of some good supposed to be attained, or attainable, by the taking of them. This calumnious imputation not being supported by any thing but conjecture proceeding from the foulness of a bad heart—being only the fruit of an unchristian spirit, which thinketh evil of a

neighbour without cause, can only be met by me with the most direct and unequivocal denial. This charge, my Lord, is totally and entirely false. There never was nor could be any such dispensation. I have never read nor heard of it, unless in those imaginary crimes which the enemies of public peace and Christian morality have for so many years industriously laboured to affix on the creed of Catholics. This charge is not only false, but so groundless, as not to afford me any means of refuting it otherwise than I have done.

Then as to dispensations of oaths already taken, this is a subject which the ignorance or bad faith of those who derive from it objections against us, oblige me to elucidate.

Of oaths, some are taken to confirm a promise made to God, *but which has no reference to our neighbour*; and such oaths, like vows, may be judged of by a bishop; they may be declared null from the beginning, or dispensed

with, if they be found opposed to good morals or productive of evil. To deny to the bishop a right to decide in such cases as those, would be to deny to him all right to administer the law of God. "There is another kind of oath," as Grotius observes, "which does not directly regard any person so as to confer any right on him; or if it do regard him, yet in such a manner as that somewhat may be opposed to his claim: then the force of the oath will be such, that that person shall acquire no right, but that the swearer, nevertheless, shall be obliged before God to make good his oath. For it is not so much the person to whom we swear, as God whom we invoke as a witness to what we swear, that creates this obligation." The case before cited from the canon law respecting the payment of usury arising from an illegal contract, is of this kind; such also would be the case of a man, as mentioned by Cicero, who promised with an oath to pay a sum of money to pirates or robbers for saving his life; all are agreed that such oaths bind the person

taking them, on account of the reverence due to God; but all are equally agreed that there is a power vested somewhere of dispensing in such oaths. Some will have it, that where no right is acquired, as in the cases already laid down, there the ecclesiastical superior, as the minister of religion, is entitled to declare that the obligation arising from the oath ceases; or in other words, to dispense as to its fulfilment. The chief reason assigned for this opinion is, that, as an oath is an act of religion or of divine worship, the judgment on the obligation arising from it, where no human or legal right is involved, belongs to those who are constituted to minister in those things which appertain to God. Others again claim this dispensing power as belonging to the head or chief magistrate of the society in which the individual swearing resides; both parties, it should be observed, concur in assigning to fathers, masters, and husbands, a dispensing power over oaths taken by children, domestics, or wives, when such

oaths relate to engagements which might clash or interfere with their domestic duties.

Grotius, in the book and chapter above quoted, endeavours to illustrate this doctrine of a dispensing power which he supposes to reside in superiors, by introducing from Seneca the following question and answer:— Q. “ *What if there should be a law made that no man should do what I have promised my friend to do for him?* ” A. *The same law dispenses with the performance which forbids me to promise.*” Here Grotius observes: “ Some acts may be mixed “ and made up of both, [that is, of the power “ of restraining persons from swearing, or of “ forbidding the fulfilment of an oath when “ sworn,] and upon this foundation are built “ the dispensations and absolution *which princes “ in former times did exercise themselves; and “ which power, by their consent, is now [that “ is, in his time] exercised by the heads of the “ Church, the more effectually to prevent any “ thing contrary to piety.*”

I have selected Grotius's explanation of his subject—a subject difficult and abstruse only to those not versed in jurisprudence, because he is not only clear, candid, and explicit, but because he is a Protestant, whose learning, piety, and moderation, have extorted from the world the highest encomiums which could be conferred on a writer. Your Lordship now clearly perceives the class and kind of oaths to which dispensations can be applied, even admitting the existence of a dispensing power. There is no man of any Church, or of any creed, unless some execrable sycophant, who made all power, and all law, and all right, to abide in the caprice or will of some pope or prince, who has ever said that lawful engagements could be broken; that legal or social rights could be violated; or that oaths confirmatory of such engagements, or such rights, could be annulled or dispensed with by prince or pope, or by any authority whatever. Out of a considerable number of Catholic divines and canonists now before me, all of

whom maintain, on this subject, the same doctrine as that here stated, I shall quote only one, and will select him as being a zealous supporter of the highest Church doctrines. Pichler (Jus. Can. lib. 2. tit. 24. sec. 4. No. 45.) says :

“ *Juramentum actui valido superadditum confirmat catenas, quatenus obligationi fidelitatis aut justitiæ, quam actus validus adducit per se, superaddit obligationem religionis ; ut promissionem, pactum, vel contractum non implens, insuper peccat peccato perjurii, et contra virtutem religionis, extra controversiam est.*” Having premised thus much, he proceeds to point out the various acts or contracts which, being opposed to the natural, divine, or civil law, cannot be rendered valid by an oath ; in No. 48, he observes : “ *Jus canonicum vero nec potuit juramento dare vim formandi contractus a jure civili irritatos : non potuit, quia Pontifex, nihil potestatis habet in ea quæ statuit jus civile in materia profana et pro laicis ut habet communis sententia et nos docuimus in prologomenis ad lib. 1.*” The power then of the

pope, of the Church, or of any ecclesiastical authority whatever, cannot either make valid or annul any just and lawful act, engagement, compact, or contract, of a civil or social nature, or dispense with, or annul, any oath taken or made to confirm such acts or contracts.

Even when deception to a certain degree has been practised upon one of the parties, as upon Joshua, when he swore to spare the Gibeonites; yet even in such a case reverence for the oath should cause it to be kept inviolate, as Ambrose (*De Off. lib. 3. c. 10.*) observes, when treating of the compact entered into by Joshua. His words are: “He did not think
“fit to break the peace he had made, because
“it was confirmed with the awful solemnity of
“an oath, lest whilst he was blaming the perfidiousness of others, he himself should be worse
“than his word, and forget his own honour.” Thus, also, the Jewish kings were reproved by the prophets Jeremy and Ezechiel, and punished

by God for breaking their faith with the kings of Babylon, which they had sworn to maintain.

Whether compacts then be entered into by individuals with each other, by subjects with their princes, or by nations with each other, if these compacts be just and legal, if they have force from the natural and divine law, from the law of nations, or the civil law of the country where they are agreed upon or entered into, they cannot be broken or violated ; and if confirmed by an oath there is an additional bond of religion added to them, which, while the compacts themselves continue, cannot be dispensed with or annulled. Over such compacts and such oaths not bishop, nor pope, nor council, has, nor can have, the slightest control. This is what we have sworn to in our oaths of allegiance, this is what flows necessarily from the doctrine of Christ, as taught alike by Catholics and Protestants. As to the pope's absolution of the king of England from his engagement to give Magna Charta in the reign of Edward I.

and the other absolutions or dispensations of a like nature granted to emperors or kings, or to their subjects, some of which are referred to by the Archbishop of Dublin in his evidence before the lords' committee, they are instances of the exercise either of that dispensing power which has been described above from Grotius, or of that supreme temporal authority which the popes were supposed to possess over the empire, over England and other kingdoms, as the fiefs or domains of the holy see.

I have already discussed at length the nature, progress, fall, and extinction, of those papal claims from which the dispensing power might be supposed to have flowed, and if the Archbishop were sufficiently acquainted with history—with the nature of jurisprudence, and kept his mind unbiassed, his Grace would not have drawn from the proceedings referred to by him, such inferences as those which he submitted to the noble lords whom he addressed. His Grace would not have mistaken the political

condition of Europe for the state of the Church, nor would he have confounded the real or pretended temporal rights of the holy see over the nations which had subjected their sceptres to her sway, with that jurisdiction in spirituals which all ages have assigned to her. Had his Grace been versed in the science of the civil and canon law, a science so becoming his high office, he would have traced the dispensing power to its true source, he would have discriminated its objects, and fixed its limits; he would not have contributed, unintentionally, to lead into error the minds of his noble hearers—to affix an unmerited imputation on an injured people, and to inflict upon his own literary reputation the deepest wound.

If we, my Lord, are to believe that the pope has a right or power to interfere with or dispense in our oaths of allegiance, we must also believe that he has temporal jurisdiction within this realm—that England and Ireland are still his fiefs—that our sovereign is still his subject

and we his vassals ; we must recognise him as not only entitled to our obedience in all things, whether spiritual or temporal, but as possessing an uncontrolled dominion over our persons and properties ; in a word, we must be perjurers, nay, perjured slaves. This, however, is not the case ; we are loyal subjects, we swear allegiance, and fulfil its duties. We know clearly and fully what oaths are, the nature, inviolability, and extent of their obligation ; we understand, as well as any class of our fellow-subjects, the compact we have entered into with the State, and though excluded from many rights and privileges to which all good subjects are entitled, we await patiently our restoration to them. We do not say with Actius, *neque dedi neque do fidem infideli cuiquam* ; and though the faith plighted to our fathers has been broken, even were it in our power we would not retaliate. We have seen the unhappy Charles, at the instance of an enraged parliament, dispense in the oath which secures the safety of the nation and of the sovereign, as well as the life

and liberty of the subject, when he suffered the opinions given at his council board to be brought in evidence against his friend ; we have seen the whole of the British people, in two successive reigns, dispense, as it were, in the oath of allegiance which they had sworn to their sovereign. We have in the present parliament heard a question agitated, whether a grand juror's oath should not be dispensed with, in order to forward an inquiry at the bar of the House of Commons ; far be it from us to question the wisdom, the justice, the propriety, of any of these proceedings, (the violation of the treaty of Limerick only excepted,) but with these things before our eyes, exposed to our touch, within our hearing, it is painful to us, who have furnished no such precedents, to be taunted with an irreverence for the awful name of God, with a disregard for solemn engagements, yea, with worse than punie faith.

Civilians, Protestant and Catholic, who discuss the rights of princes and nations, are ac-

customed to inquire when and how far the oaths and engagements entered into by the former are binding or cease to bind.

If your Lordship only take up Grotius or Puffendorf, you will find in them theories upon these subjects not very constitutional or edifying if applied to our times or country; nor will the dispensing power exercised by our own sovereigns, Protestant and Catholic, with regard to oaths, compacts, and laws, the many anomalous proceedings of our parliaments or conventions, no, nor the repeated appeals made by the nation itself to the force of arms or to heaven, furnish any very lucid commentary upon these theories. The principles, however, which seated the present august family upon the throne of this realm, have put an end to doubts and difficulties, if they before existed. The rights of the nation and the prince are now clearly ascertained, their reciprocal obligations are admitted and recognised. When a British

subject swears allegiance, he does so in confirmation of a just and lawful compact, and whilst that compact is unbroken by the prince, no power under heaven can dispense with, modify, or annul the subject's oath.

Our country is no longer a fief of the holy see. Our sovereign has not received his crown from the hands of a pope; he has not sworn fidelity or obedience to some legate Pandolph or Hubert; he has not sworn to uphold and maintain the rights, privileges, and immunities of the Catholic Church; he has not consented, for the promotion of piety and the good of our souls, that his own dispensing power (which is happily now as unheard of as it is unknown to the constitution) should, by a treaty of holy alliance with the other sovereigns of Europe, be transferred to the pope. This state of things has ceased; the frame of society on which it stood has been broken to pieces. The sun might be again made to stand or retrograde, as

in the time of the ancients, but a dispensing power in either prince or pope within these realms never can be revived.

SECTION XV.

Hostility of Catholics to the Church Establishment examined.—Calumnies against them noticed.—Doctor Magee.—Pastorini's Prophecies.—Ribbonmen's Oath.

THE next objection to the concession of our claims, which merits attention, is, that we have in view to subvert the Church Establishment.

In replying to this objection, I must necessarily advert to what is considered "the invading spirit of the Church of Rome," because it is supposed that we are animated by that spirit, and because to the fear of its operation may be traced much of that opposition which we experience.

As to the charge imputed to us of wishing to subvert the Church Establishment, I think the chief grounds of it are the following: first, the attacks lately made in speeches or in pamphlets *partly* by individuals of our body upon what they deemed the inordinate wealth of the Church; second, the exclusiveness of our doctrine; third, the actual state and pretensions of the Roman Catholic Church in Ireland.

Certain writings attributed to me, contain, my Lord, a summary of the arguments used by Catholics and Protestants on the propriety of inquiring into the state of Church property in Ireland, and of the abuses which are supposed to arise from its exceeding magnitude. On the force or justice of these arguments I have no observation to offer, *valeant quantum valere possunt*; but of this I can solemnly assure your Lordship, that I am not less opposed to the temporal aggrandizement of my own Church, than to what I deem the overgrown wealth of the Establishment; and also, that

there is no individual in the community less disposed than I am, to disturb, in any factious way, what is legally established; and though, if it were my lot to have a seat in the House of Commons, I would undoubtedly support those who vote for inquiry into the state of the Church in Ireland; yet in doing so, I would be influenced, not by any religious consideration whatever, but by a wish to promote the interests of both England and Ireland. If Catholics were placed in the House of Commons, I am quite certain there would be some of them found to agree with, and some found to oppose Mr. Hume, in what I consider his laudable efforts to correct abuses in the Church: but they would be led thereto, not by sectarian prejudice, but by those motives which more generally influence the members of that honourable house. So little, my Lord, am I disposed, in the event of our question being settled, to interfere with the Church Establishment, that, when a gleam of hope (and it was but a gleam) beamed upon my mind, of that happy consummation, I took

the liberty of suggesting in my examination before your Lordship, how the collection of tithes in Ireland could be rendered less onerous and odious; whilst in reply to a question proposed to me on the same subject, I gave on my oath the following answer: "I conceive that
" the removal of the disqualification under
" which Roman Catholics labour, would lessen
" considerably those feelings of opposition,
" which they may at present entertain with regard to the Establishment; chiefly for this
" reason, that whilst we labour under the disabilities which now weigh upon us, we find,
" that the established clergy, who are very
" numerous and very opulent, employ their
" influence and their opulence in various ways,
" to oppose the progress of our claims; and I
" do think, that if those claims were once adjudged, and the concessions which we desire
" granted, the country would settle down into
" a habit of quiet, and that we would no longer
" feel the jealousy which we now feel against
" the clergy of the Established Church, because

“ that jealousy arises chiefly from the unrelaxed
“ efforts which they have almost universally
“ made to defeat our claims. We would view
“ them then, if those claims were granted, as
“ brethren labouring in the same vineyard with
“ ourselves, seeking to promote the interests
“ of our common country.” If I have taken
the liberty of obtruding my own opinions upon
your Lordship, and explaining my views with
regard to the Church Establishment, it is because
my name, or writings attributed to me, have
been so frequently mentioned, both in and out
of parliament, as affording proofs of that charge
against the Catholic body which I am now dis-
cussing. If the imputation be not applicable
to me, it is not applicable to any person, and
if my views of Church property do not result
from my religion, there is no reason why they
should be charged upon Catholics as the natural
fruit of their creed. I would not add here, that
the writings so often mentioned were generally
published in reply to ungenerous charges and
unfounded calumnies against the Church and Re-

ligion to which I belong ; because I expressed this view of them on a former occasion, by a letter, which, through the kindness of an honourable gentleman, was read in my vindication before the House of Commons. One thing I shall beg to remark to your Lordship, with pain indeed, as it relates to myself, but through necessity, as it is connected with the present subject, and it is this—That from one of those anonymous pamphlets so often alluded to, it has been repeatedly stated in parliament, in the committees of parliament, and before the public, that the writer treated Doctor Magee as an usurper, and declared that his Grace had no more right to his see than to the dukedom of Leeds. This assertion, or statement, my Lord, is totally unfounded ; there is no truth whatever in it ; and the pamphlet or letter referred to, such as I have seen it published, though replete with all manner of typographical and even verbal errors, yet nothing is therein contained which would in the slightest degree warrant the imputation affixed to the writer of it.

The passage which has been thus perverted comprises an argument on the word "Catholic," as contra-distinguished from "Protestant;" and the disputant, in the vehemence of his argumentation, says, that the Archbishop (whom he addresses as such) has as much right to the title of "Catholic" as to the dukedom of Leeds. There is not, my Lord, a syllable to be found in it which relates to a usurpation of his dignity, office, title, or see. The writer labours to maintain the distinction which for three centuries has divided the European family of Christians into Catholics and Protestants; but so far from treating Doctor Magee as an usurper, he constantly styles him Archbishop, or Grace. He affixes to the former title the epithet "Protestant" as belonging to his Church, and one to which she has a just claim; while "Catholic," or "Roman Catholic," indifferently, belongs to ours, and is retained by us. Equally unfounded as this charge is another, reported to have been made in the House of Lords on a late occasion, setting forth that in almanacks published

in Ireland, the name and title of the Catholic bishops were printed in capital and red letters, whilst those of the prelates of the Established Church were printed in small black letters. No such almanack as this has ever, to our knowledge, been printed in Ireland ; no Irish Catholic prelate has ever seen it ; it is no where, that we can discover, to be found for sale ; and if at all in existence, it has been written and printed by some wicked enemy of ours, for the purpose, and only for the purpose which, to our detriment, it has served. Such, my Lord, are the arts and devices to which our opponents descend, in order to calumniate and injure us ; they are trivial in themselves and contemptible, it is true, but they impose for a while upon noble and unsuspecting minds, and often contribute to produce an impression which may never be entirely effaced. So, my Lord, the prophecies of Pastorini, composed of scattered and detached sentences of Doctor Walmsley's book, were compiled by the orangemen ; they were distributed by them, and by their agents, to excite, if not insurrection, at least

the strongest odium against the Catholics. They could be obtained in Dublin only by the initiated; and in London were distributed exclusively to the same class out of a depot in the Sackville-street of that city. Major Warburton, who supplied a copy of them to the committee of the House of Commons in 1824, admits in his re-examination on the 21st of June, 1825, that these Prophecies, though found in abundance even amongst the police, were not circulated by Catholics. To render the device more perfect, a passage out of a preface to some book written by a Catholic priest, was affixed to the "Prophecies," and the whole contrived with such artful malice, as to impose upon those best acquainted with the wiles of our ever-wakeful enemies; they imposed for a time upon myself.*

* These reflections apply to matters of the most serious moment. For example, I have read the paper delivered by G. Bennett, esq., to the lords' committee on the 24th May 1824, and purporting to be a copy of

Excuse, my Lord, this digression ; it may not be entirely useless or irrelevant ; it may serve at least to remind you, when deliberating on our momentous cause, that watchfulness

the oath and engagements made and entered into by the ribbonmen in the King's County about that period. I have seen another form somewhat less atrocious and impious, which was circulated at the same time in the county Wicklow, and I am satisfied that both the one and the other were compiled by orangemen. I am of this opinion, first, because orangemen were employed in the county Kildare to mix with and seduce the peasantry ; secondly, because the sentiments and phrases expressed and used in these documents, where they relate to matters connected with religion, are not the sentiment or phrases prevailing or in use amongst the Catholic peasantry, and are in some parts like the language of low Protestants, and the same which they impute to Catholics, but which the latter abhor ; thirdly, and principally, because I have seen, amongst divers others, a copy of the Ribbonman's oath as taken in the King's County at the period above mentioned, and

against imposition is necessary, in order to form upon it a righteous judgment.

But to return to the subject under conside-

which was almost entirely different from that produced by Mr. Bennett. This copy was stolen from the pocket of a leading ribbonman whilst intoxicated at Edenderry, in the King's County, and given to me. I mention this form of oath, as being the most formal and intelligible of any I have seen; as being found on the person of a leader, and in the very county from which the copy furnished *through a policeman, by a magistrate*, to Mr. Bennett, proceeded. To these arguments I may add the testimony of my own experience; and it is, that though I have conversed in the most confidential manner with hundreds of individuals who were implicated in the absurd and illegal association of ribbonmen, though I have made the most minute inquiries into the nature and detail of their system, though their papers have been often delivered up to me, I never discovered that their oaths or engagements bore even a resemblance to the mass of treason and impiety attributed to them.

ration. Whatever dispositions there may prevail in Ireland with regard to Church property, I am confident they are in no way allied to the Catholic religion, or the profession of it; that the arguments which have been used to connect our creed with the disturbance of what is legally established have been conceived in error; and that the views of those who have written or spoken on this subject have been egregiously misunderstood. The opinion which is recorded of me with respect to it, I still hold: moreover, I am firmly convinced, that whilst the Catholic question is agitated, the wealth of the Church will be censured; and that when the former is settled, the latter will, like all property in Ireland, be rendered more valuable, if not also more secure.

SECTION XVI.

The Doctrine of Exclusive Salvation, as held in Catholic and Protestant Churches, clearly stated.—The invading Spirit of the Church of Rome.—This Spirit common to all ecclesiastical Corporations.—How to guard against its Influence.

THE exclusiveness of our doctrine ! Where has this produced disturbance and confusion under just and equal laws ? Is it in Hungary, is it throughout Germany, is it in Switzerland, is it in France, is it in Canada, is it in Maryland, is it in the dominions of the kings of Prussia or of Hanover, or in any of those states where civil and religious liberty are happily established ? No, my Lord, it is a dominant creed, no matter of what sect or Church, when conflicting with a people, which produces disorder, penalties, and crime ; only take away restrictions from religious belief,—let no man suffer on

account of his faith, and you extinguish in those who are exalted, pride with a spirit of domination, and you take from the more humble the zeal of suffering for justice sake; you also remove from prejudice and passion the very food on which they live, and convert numberless hypocrites into sincere Christians. Exclusiveness of our doctrine!—My Lord, this charge, as against us, is really absurd; our doctrine is not a whit more exclusive than that of the Established Church, and not half so much so as that of numberless sects of dissenters. I am far from saying that there is not a vast deal of uncharitableness common to us all; but they are the laws which make the Catholic an idolator, and the high Churchman alone orthodox; thus depriving both classes of mutual charity, and sending them, I fear, in great numbers—rulers and people—to join those in the other world, “who believe and tremble,” but believe in vain.

I have, my Lord, upon various occasions,

especially in an Address published by me in November, 1822, to the Ribbonmen who then infested this country, (which address is inserted at length in the last volume of the Evidence taken before the Committee of the Commons, p. 665,) explained the doctrine of fraternal charity, and exclusive salvation, as taught in our Church. That Address has, on this subject, the following passage: “ It is not every one
“ who differs from you in religion who should
“ be branded with the odious name of *heretic*.—
“ Errors in religion do not constitute heresy,
“ but a wilful and obstinate adherence to them.
“ Hence St. Augustine says, ‘ *I may err, but I*
“ *will not be a heretic.*’ ” He also writes in his 162nd epistle, “ *that those who earnestly seek the*
“ *truth, and are ready, on finding it, to stand*
“ *corrected, are by no means to be reckoned*
“ *amongst heretics.*’ ” The entire passage, to which I beg to refer your Lordship, concludes thus: “ Take heed of the words of the Apostle,
“ ‘ *Who art thou that judgest a foreign servant?*
“ *He stands or falls to his master, but he will*

“stand, for God is powerful enough to raise him
“up.”—This is the doctrine taught by me, and
I have never been able to discover in it any
thing peculiarly exclusive. We have more than
39 canons, it is true, in the council of Trent,
but if it be only a question of less or more
between Catholics and Protestants as to the
extent of their respective creeds, that does not
seem at all to affect our opinion of those who,
seeking conscientiously for truth, and prepared
to admit it when proposed to them, yet differ
from us, as they do from each other. Such
persons we deem to be in error, as they in their
turn consider us to be; and in place of adopt-
ing the moderate counsel of the poet, *veniam
damus petimusque vicissim*, we use, perhaps,
too often the names of heretic and schismatic;
—names which, with the addition of idolator,
the Established Church vehemently retorts upon
us. But laying aside those insulting designa-
tions, it is quite clear that we do not judge any
one, nor interpose between the righteous judg-
ment of a merciful God and those whom, by

baptism, he has cleansed from sin,—whom he has inserted in his covenant, and called to be the co-heirs of his Son. They may stand or fall, but we hope and pray that they will stand; because though they should have fallen into error or vice, still God is powerful to raise them up. If the laws only permitted those noble principles of Christianity to come into full operation,—if they did not create and cherish exclusive and excluded sects and heresies amongst us, we would live as brethren in the same house; and if we did not worship at the same altar, we would at least, with the Apostle, “pray for each other that we might be saved.”

I could here expose to ridicule the strange infatuation which would lead a man to shut up in a parenthesis the doctrines of the Athanasian Creed; to take from the Church of England the very essence of her religious profession; to reconcile things which by their nature are incompatible; and all this for the purpose of showing a difference of doctrine on a subject

where it is obvious no difference exists. There are, alas! many differences prevailing; and those who love disunion, and sow dissensions amongst brethren, have no need of introducing new causes of dissent. But I shall abstain from this exposure, to which my hand was already laid, and leave in forgetfulness an essay which, whilst I perused, excited within me alternately feelings of pity and of pain.* I shall not divert, by a useless display of argu-

* The exclusiveness of the Church of England is one of the most prominent features of her doctrine and discipline: it is by it she is chiefly distinguished in a religious point of view; and if she appear tolerant, it is because she does not act up to her profession. In this she is wise; but that wisdom should teach her to make the same allowances for other Churches, which she claims for herself. Her creed consists of thirty-nine articles; of these twenty profess a doctrine which she believes; a doctrine which, by alterations seemingly not very important, could be admitted by Catholics as true and orthodox; the remaining nineteen

ment or criticism, your Lordship's attention from what I deem of more political importance than exclusive salvation—namely, the state and pretensions of the Roman Catholic Church in Ire-

are made up of negations of what we deem truth, but the entire taken together, prescribe a fixed and settled rule of faith. Whosoever does not in heart and mind adopt this rule, though he may be externally united with the Church of England, is, notwithstanding, guilty in her opinion of heresy or schism before God; and if he break the external communion, though she may not, to avoid giving offence, brand him with the name of heretic and schismatic, yet she believes him to be such, and provides carefully for his condemnation and punishment.

In her eighth article she decrees, that “the three creeds,” including that of Athanasius, “ought thoroughly to be received and believed.” Each and all of these creeds being a symbol, or collection of articles to be believed, a *tessera*, or rule of faith, necessarily establishes the doctrine of exclusive salvation; for as “without faith it is impossible to please God,”

land ;—pretensions which are said to threaten, if not to endanger, the Church established by law.

Before I enter upon this subject, it is ne-

if that faith be laid down in any one, or in each of these creeds, it necessarily follows that whosoever does not believe such creed or creeds in his heart, cannot please God : or in other words, cannot be justified, or obtain salvation ; according to that of the Apostle, “ with the heart we believe to justice, and with the “ mouth we make confession (of faith) to salvation.— “ Rom. 10. x.” As to the hitherto unheard of system broached by Archbishop Magee, in his evidence before the Lords, on the 8th of June, 1825, which would include in the same Church, and as professing the same religion, men who differed in belief,—men who believed one thing in their heart, and professed another with their tongue ; a system which prescribes a certain creed to the clergy of a Church, and permits the laity of the same Church to adopt any other, without ceasing to belong to it ; this system appears to me truly monstrous. As it was, however, devised for a

cessary to discuss another, to which I have before alluded, “ the invading spirit of the “ Church of Rome;” for if our Church in Ireland be formidable to any one, she is so, from

certain purpose, let us hope it will not long continue. But then as to the creeds: The Athanasian creed happens to be more explicit than the others in declaring, that “ whosoever does not hold the Catholic faith “ entire and undefiled, shall perish everlastingly.” The writer having commenced with this declaration, proceeds to say “ This Catholic faith is this; that we “ worship one God in Trinity, and Trinity in Unity, “ neither confounding the person nor dividing the substance; for there is one person of the Father, another of the Son, another of the Holy Ghost; but “ the Godhead of the Father, of the Son, and of the “ Holy Ghost, is all one; the glory equal, the majestic co-eternal.” He continues his explanation of the faith regarding the Trinity, and concludes it by saying: “ He, therefore, that will be saved, must “ *thus* think of the Trinity.” Coming next to propose and explain the doctrine of the incarnation of our

being supposed to be actuated by that spirit, and governed by its influence. To deny that the see of Rome would be disposed to encroach upon the rights and privileges of other Churches,

Lord, he commences thus : “ Furthermore, it is necessary to everlasting salvation that he believe *rightly* the incarnation of our Lord Jesus Christ; for the *right faith* is, &c.” Here he proceeds to expound the faith as it had been defined, chiefly in the councils of Ephesus and Chalcedon, against the errors of Nestorius and Eutyches ; and, after treating briefly of the death and resurrection of our Lord, of the last judgment, and a future state of eternal rewards and punishments, he concludes the entire symbol or collection of articles to be believed—the whole rule or exposition of faith, in these words : “ This is the Catholic faith which, except a man believe faithfully, he cannot be saved.”

The articles of the Church of England, which adopt this creed or these articles, are to be understood thus, according to the Declaration of Charles I., prefixed to them, and adopted by the Church : “ No man, here-

would not, in me, be consistent with truth or candour; I believe she is like all other Churches, and may think that human affairs are best directed when her own power, privileges, and

“ after, shall either print or preach,” (had his Majesty foreseen the present times he would have added, or give evidence,) “ to draw the article aside any way, “ but shall submit to it in the plain and full meaning “ thereof; and shall not put his *own sense or comment* “ to be the meaning of the article, but shall take it in “ the literal and grammatical sense.” The Declaration concludes with a threat of the king’s displeasure, and the Church’s censure, against any master, or member, of either of the universities, who will contravene this rule of thinking and acting. The Church corresponded most faithfully with the views of her head; for in the synod held by the Irish portion of this Church, in Dublin, at their general convocation in 1634, it was enacted, that “ Authors of schism and maintainers of conventicles,” should undergo the censure of excommunication; the heaviest censure which *any* Church can, or does inflict. The fifth canon

possessions, are enlarged and exalted. I can, however, say, that in these latter ages, she has been refunding rather than acquiring; so that in searching for an example of a Church which

says: “ Whosoever shall separate themselves from
“ the communion of saints, as it is approved by the
“ Apostles’ rules in the Church of Ireland, and com-
“ bine themselves together in a new brotherhood,—or
“ shall affirm and maintain that there are within this
“ realm other meetings, assemblies, or congregations,
“ than such as by the laws of the land are held and
“ allowed, which may rightly challenge to themselves
“ the name of true and lawful Churches, *let him be*
“ *excommunicated*, and not restored until he repent,
“ and publicly revoke his error.”

The thirty-third, amongst the thirty-nine articles of religion, explains what is meant by excommunication in these words: “ That person which, by open denun-
“ ciation of the Church, is rightly cut off from the
“ unity of the Church, and excommunicated, ought to
“ be taken of the whole multitude of the faithful, as an
“ heathen and publican, until he be openly reconciled

invades, I should rather seek it nearer home; I would discover it in a Church which lifts her spires, and gathers her fruits in a country, where, on the petition of *one* of her communi-

“ by penance, and received into the Church by a judge
“ that hath authority thereunto.”

The authors of schism, or those who bring in sects, are schismatics. They who dissent from the faith of the Church,—who teach a doctrine different from her doctrine, and accuse her of error, are the same who bring in heresies; and all such do the Church of Ireland (and her canons are almost the same, word for word, as those of the Church of England) denounce to be excommunicated, or cast out among the heathens and publicans. In this she agrees tolerably well with our Church, as she does entirely with regard to the three creeds, and as perfectly disagrees from the doctrine contained in the essay of Archbishop Magee on “The Travelling of the Mind,” as found in the last Report of the Lords’ Committee, (p. 950.) But both Churches, instead of displaying mutual rancour, should rather forgive one another, and let their animos-

cants, a costly building may be erected at the expense of those who do not belong to her fold : or in another country, where, as I am informed, if one of her children settle in a Catholic parish, he shall be exempt from paying tithes to the priest ; but if the majority of the parishioners be of her communion, then the minority of whatever creed shall concur with this majority in yielding tenths to her parson.* But this spirit is not the less objectionable because it happens to pervade different bodies ; it is, however, a spirit inherent in human nature ; it must exist wherever there are corporations ; and whilst these are deemed essential to the well-being of society, their spirit, which

sity repose in oblivion. They should each go into the desert to seek for the strayed sheep, rather than, by asperity and threats of punishment, oblige them to fly still farther from the fold.

* Canada.

cannot be extinguished, can only be watched carefully, and checked, or confined, when necessary. It is, my Lord, in the power of that government in which your Lordship holds so distinguished a place, did they vouchsafe to avail themselves of the information and assistance which are within their reach, to prescribe limits to that spirit beyond which it could not pass. A concordat with Rome could, without difficulty, be obtained, and the stipulations of it would fix the rights of all definitively. Such an arrangement would for ever remove that influence of foreigners upon our affairs, which now creates alarm, and creates it, perhaps, only because the nature or extent of it are not sufficiently known to the public. It has been conjectured by some person who understood but little of our affairs, that the Catholic prelates sometimes played off the pope against the government, and at other times the government against the pope. This has never been the case; but these prelates have indeed been often oppressed by the government; and sometimes

if not aggrieved, at least but little attended to, by the pope. They are, however, the guardians of a Church whose liberty and independence they are determined to preserve: they know their obligations to their spiritual head; they are faithful to the government under which they live, but their attachment to Ireland, and to their religion, is stronger than death; an anxiety for the happiness of their country is the governing principle of their lives, and to promote it, there is no earthly sacrifice which they would not freely make. This happiness, my Lord, would be greatly promoted, not by exalting the power of the pope in Ireland, but by restricting and regulating it; not again by subjecting our Church to the crown, but by securing the crown against the possibility of foreign influence or encroachment. One Church is already wedded to the throne, let HER enjoy all the honours of a consort, whilst ours—humble, but domestic—inaccessible from abroad, and unnoticed at home, is suffered to employ herself in preaching to the poor, and healing the bro-

ken-hearted. If the government only proceeded thus, it would shut out that spirit which now excites apprehension; it would secure for ever our fidelity, and place in Ireland not a Church to encroach upon that which is legally established, nor again a set of king's officers on duty, but a prelacy and priesthood as it were growing from the soil, the guardians of morality, the teachers of the multitude, the conservators of public order and tranquillity, and the most faithful supporters of the laws and constitution. If this be not done, my Lord, if papal influence be still dreaded; if the encroachments of Rome, or her invading spirit, be still deemed an obstacle to the settlement of Ireland—to the security and happiness of the empire; if our Church be looked upon, though undoubtedly without cause, as the handmaid of the pope, let not these evils be longer imputed to us,—let the responsibility rest with those who can remove them; with those to whom six millions of subjects eagerly extend their hands—to whom the Irish Catholic prelates, clergy,

and people, are anxious to yield all the assistance in their power, in order to remove whatever is objectionable on the part of foreigners, and to obtain whatever is desirable for the security of the State, and the lasting independence of the Irish Catholic Church. It is impossible that an enlightened statesman would not prefer such a mode of proceeding to the other alternative of retaining indefinitely a whole nation in a state of discontent and misery; holding Ireland as a garrison, peopled with enemies; always standing as it were upon the surface of a mine in which the combustible matter is daily accumulating, and which every moment is liable to explode.

SECTION XVII.

Pretensions of the Roman Catholic Church in Ireland.—Her Claims to a Parity of Jurisdiction with the Established Church examined.—A legal Provision for the Irish Catholic Clergy noticed.

IF then this foreign spirit be excluded, what is there in the state or pretensions of the Catholic Church in Ireland to excite alarm?—If she be not so poor as to be contemptible, yet her income is so small, and derived from such a source as to deprive her of any power or influence which arises from property. Are they the numbers of her communicants? If that be a cause of alarm, it is one for which she is in no wise responsible; it is a cause that should be refunded not on her, but on that law of the Creator, which says, “Increase and multiply, and fill the earth.” Is it the splendour of her worship, the extent and number of her colleges,

hospitals, and schools? Of colleges there are few indeed, and only one, and that supported by the State, which is large, though not wealthy. Charitable foundations we have almost none. Our schools universally, or at least too generally, are the reproach of the State, as well as the evidence of our national distress; and if our worship be splendid, it is a splendour truly dim. Our chapels are calculated to excite, not envy, but compassion. So that I know not what there is in the state of our Church to alarm even the most timid or superstitious. It has been said that the circumscription of our dioceses and parishes are the same, or nearly the same, as those of the Established Church, and that we claim a parity of jurisdiction with the prelates and clergy of the privileged creed. The first part of this statement is quite correct: but it did not depend on us to alter the limits fixed by our fathers; had we attempted to do so, a charge of partitioning a territory which was not ours, would undoubtedly have been preferred against us. But when the military or civil governor of a district;

when the tax collector of the county, and the church-warden, exercise power, or levy assessments within the same limits or boundaries, no person supposes that the office of the one interferes with or encroaches upon the rights or privileges of the other. I should suppose that throughout Ulster, the Presbyterian minister, the Catholic priest, and the Church parson, have their several congregations within the same limits or landmarks, but I confess that I do not understand why, on that account, any one of them should dread the encroachments of the other.

“We claim a parity of jurisdiction with the clergy of the Established Church!” In what, my Lord? Do we claim a right to lands or tithes? No. Do we claim a right to hold courts, to cite witnesses, to decide causes, or issue decrees? No! We can do no one of any of these things. Do we issue probates of wills, or interfere in any way with property? No. Do we grant licenses, impose fines, en-

force any statute or regulation by legal penalties? No. In what then do we claim a parity of jurisdiction with the prelates and clergy of the Established Church? For my part, I am unable to furnish a reply. When a field officer marshals his regiment or brigade, or leads them to the war, and a schoolmaster commands his pupils to perform their evolutions, there is a resemblance between the commanders and their respective subjects, but there is no *parity*. The one has a jurisdiction founded in the law, the other has none, unless that voluntary submission which flows from the will. It is so with us. The words diocese, parish, jurisdiction, pastor, flocks, with the other numberless terms, employed in ecclesiastical language, are common to the clergy and people of both Churches, but in the Established Church all these refer to what is really and substantially constituted and upheld by the law, whilst with us they have no such foundation. We have no legal rights, we have no coercive jurisdiction which deserves that name.—This brief analysis

must be sufficient to dispel from your Lordship's mind all notion of a parity of jurisdiction between us and the Established Clergy. I know how much influence names have, according to the adage, *tantum valet, quantum sonat*, and how easily the unthinking are imposed on by appearances ; but I am also aware how gladly an upright mind enters upon the examination of a question in which the interests of truth and justice are deeply involved. If there be one thing more than another which could cast a doubt upon this subject, it is the legal validity conceded to marriages solemnized by us, or the permission given to us of exercising our worship, and officiating publicly at the burials of our dead, under the protection of the law ; but these privileges do not in reality give to us any legal or ecclesiastical jurisdiction, they do not raise us above the most humble class of dissenters ; and if they did, they are already granted. The two first are indispensable to the existence of society in Ireland ; the

last is a boon which we would almost wish had never been conferred.

I may be allowed to add that a legal provision for the Roman Catholic Clergy in Ireland would not, more than any other municipal law, affect the rights or privileges of the Established Church. The reason is, because it would create no jurisdiction—it would remove no one restriction of those which exist. I make this observation for the sake of those who may suppose that such a provision is a sort of necessary appendage to the concession of our claims. I do not make it, my Lord, for your satisfaction or my own, for I have the happiness of agreeing with your Lordship in thinking that a provision for our clergy such as lately contemplated would be most unwise. The reasons which influence my mind on this subject, are, it is true, widely different from those which have occurred to your Lordship, but still the conclusion is the same with both. Indeed, as a clergyman, I feel sensibly the evils which arise from a kind of eleemosynary support.—It

was one of the motives which disposed me, at an early period, to prefer a collegiate to a missionary life, and to the present hour it is one which deeply weighs upon my mind ; it is one of the many misfortunes of my native land, which often cause me, in silence and solitude, to wish I were banished from her shores, and *restored* to that exile in which I spent my youth. As a British subject also, in whom a love of law and freedom, and of the inviolability of private property is inherent, I abhor a sort of tax, indefinite in its amount, levied from off the most indigent of society, and in a manner, if not purely arbitrary, yet uncertain and unsettled. I would wish, for the honour of the priesthood and the country—for the sake of liberty, of the law, and above all, of the poor—that even what is now actually received by the Catholic Clergy was legally regulated, so as that each pastor would still be supported by his own flock, whilst their mutual connexion and independence would remain unbroken and unimpaired. But however the present system

(which the lights of the age must improve) may appear faulty and defective, I would, and do, prefer it infinitely to any other which would send the priest to the public treasury, there to receive from the crown a stipend for preaching the Gospel of Christ, or dispensing the mysteries of God. Your Lordship will, I hope, excuse those observations from a person who is as anxious as you are, that no legal provision for the Catholic Clergy should be mixed up with emancipation, or proceed at any time, or in any shape, from the bounty of the government, or the treasury of the empire.

SECTION XVIII.

Whether Concession to the Catholics would increase or diminish Collision in Ireland.—The Argument against Concession deduced from the Freedom of British Institutions, replied to.

I SHALL now proceed to examine the justice of a prospective or speculative opinion sometimes advanced by persons of the highest character and authority; namely—that our emancipation would tend rather to aggravate than to remedy the evils of Ireland.

The chief arguments in support of this opinion are : First, that the nearer the professors of the different creeds in Ireland approach to an equality, the more their interests and pretensions will clash with each other. Second, that Catholics, if admitted to places of trust and power, might be enabled in a free state such as

ours, to injure the commonwealth, were they so disposed.

In replying to the first of these arguments, which admits or implies the evil of political exclusion, it is unnecessary to notice the opinions of those who attribute the distressed and anomalous state of Ireland to absenteeism, or to any of those other partial causes which grow out of our general condition. The non-residence of proprietors, is, no doubt, an evil; so are the abuses of the law, the corruption of public bodies, the state of relation between landlord and tenant, the want of an improved system of education, as well as certain vicious habits peculiar to the several classes of our society; all these are evils, but the man knows but little indeed of the history or condition of Ireland who mistakes those evils, which are only effects, for the cause which produces them. All these have been engendered in the penal code; this has been, and continues to be, the fruitful source of them; and until it is dried

up, your Lordship may be well assured, that however a “statistical legislation,” to use a modern phrase, may smooth the surface, the torrent is only collecting within, to rush forth sooner or later with increased violence, bringing with it ruin and desolation. But the question here is not, what cause produces our calamities, but whether the elevation of the Catholics in the scale of society, would produce a greater clashing of interests than now exists? To this speculative opinion there is opposed a well-known experiment—one which is daily made in Ireland, and with which your Lordship, even in England, may not be unacquainted; it is, that in proportion as Catholics and Protestants approach to each other in rank, in property, and in social intercourse, antipathies recede, prejudices are removed, mutual confidence and harmony are established. On the other hand, where distinctions of rank are added to those of religion, and social intercourse thereby prevented, suspicion, distrust, jealousy, nay often mutual rancour and animosity prevail.

To these causes perhaps more than to any other, with the exception of corporate monopoly, are attributable that support or opposition which our cause meets with from Protestants in Ireland. Where Protestants commune with Catholics of their own rank, and become practically acquainted with them, they are, when no family compact or special interest prevents it, universally favourable to concession, whilst they are but too generally opposed to it in those counties or towns in which social intercourse is forbidden by a disparity of rank.* I leave out

* I might refer to several states on the continent to exemplify this position. It is only, however, necessary to direct the reader's attention to the state of religion and of social intercourse in the United States of America. That great republic, if not the cradle, is the nursing mother of all sorts of sects, and it is well known, that very frequently the members of the same family differ in what every conscientious Christian must believe to be very material points in their creed

of calculation those mobs, whether Catholic or Protestant, who are led, not by reason, but by passion, and which can always be excited to espouse either what is right or what is wrong,

and dogmata. Yet we never hear, we never read of any of those exasperating contentions by which religious communities in the Old World have been so fatally distinguished.—For there is in America no exclusive establishment. Yet America is not without bishops : she has ten Catholic, and ten Protestant prelates, and I believe their jurisdiction, like ours in Ireland, runs *pari passu* in those parts of the union in which they are established. Still they are not animated by any unseemly or unchristian spirit. But to come nearer home, I understand that in the western part of the province of Connaught, and particularly in the diocese of Tuam, where in one large county, that of Galway, landed property is nearly divided between Protestants and Catholics, there was scarcely known, until within a very recent period, any portion of that afflicting strife, which, it would seem, is now to become the inheritance of the whole country.

until education will have enlightened their minds, and rendered them capable of discerning between truth and error, between justice and injustice. Continue then the penal code, preserve a factitious ascendancy, divide the people, inculcate distrust, and you must produce collision, nay conflicts and violence. But remove the cause of contention, let talents and property take the station which nature assigns them ; let all the people be educated, be equally cherished and protected ; let mutual intercourse be not forbidden, but promoted, reason herself and experience are both false guides, or you will diminish, if you do not entirely remove, all clashing of interests among the Irish.

If, indeed, it could be supposed that society would retrograde ; that knowledge would abate ; that a love of country would cease to warm our bosoms ; if we could suppose that a plague of infidelity or some dark superstition were to cover the land, then we might apprehend not collision, but a tempest. These results, how-

ever, are scarcely within the range of possibility ; and if, like the plagues on Egypt, they should ever fall on Ireland, they will descend upon her from that cloud which is, perhaps, already gathering, and which the repeal of the penal laws only can dispel. He who addresses your Lordship is a Roman Catholic ; he is one in the inmost conviction of his soul : had he assisted with the Apostles at Thabor, and waking, seen the glory of the Lord ; had he been stricken from heaven like Paul, on the way to Damascus, his faith might have been more vivid and enlarged, but his rational conviction of the truth of his religion could scarcely be more full and composed. . During the greater part of his life he has freely exercised his judgment ; his opportunities of inquiry have been many ; his mind, if not strong, or acute, has been diligently cultivated, and no theorem in mathematics, if due allowance be made for abstract science, has been to him more clearly proved ; the distinction between vice and virtue is not to him better ascertained, than that the religion which

he professes is the same that was preached by the apostles, and founded by Christ.—Yet, with this conviction, and a religious zeal proportionate to his knowledge, he would not turn to the right hand or the left, to send, if it were in his power, a Catholic to parliament, on account of his religion. Nay, were his vote, or interest in the county where he resides, to determine a contest between the present representative, and the dearest connexion he has in this world, he would send that representative to parliament in preference to any other man, whether Catholic or Protestant, upon the earth. In these feelings and opinions he confidently assures your Lordship that he agrees with almost all those Catholics who possess any considerable influence in Ireland: but if this be the state of our mind at present, fretted, disappointed, and insulted, as we have been, how much more equitable and impartial would it not become, were religion no longer a barrier against our admission to the State? Were your Lordship acquainted with the Irish Catholics as I am,

you would clearly perceive, that the exaltation of their Church is not one of those wishes nearest their heart. They understand fully how much a clergy, excluded from power, and confined to their official duties, are preferable to one corrupted by luxury, and implicated in worldly concerns. For my part, I would see nothing less than the future destruction of our religion in the temporal aggrandizement of our Church.

The next argument advanced against our admission to places of trust or confidence, is drawn from the freedom of our institutions, as contrasted with those of other countries; and is an argument which greatly surprised me.

I am clearly of opinion that where the government of a country is absolute or despotic, a disaffected individual getting possession of power, or exercising a great influence over the councils of the sovereign, might disturb or revolutionize the State, because his treason might be wrapt in the deepest secrecy, and no person

could question, still less oppose his will. From this principle, so clear and incontestible, I was at all times led to infer, that, when our government was pleased to open to Catholics the highest posts in the army and navy, (where a sway nearly despotic is vested in the chief,) they had (however our emancipation for some temporary cause might be embarrassed or delayed) laid aside all suspicion of the fidelity of our body. I could never suppose that the freedom of our institutions would be assigned as a reason for continuing our exclusion. This argument, however, like that which I have disposed of, is purely speculative ; there is no experience or facts to justify it. Where is the free State, in which a Catholic, for the sake of his religion, became a traitor to his country ? Such a State is no where, or at no time to be found. Not in the middle ages, when free States abounded in Europe—States frequently in opposition, sometimes at war, with him who was then the very representative of religion. Not since the sixteenth century—when in many

states, some free, some otherwise, Catholics and Protestants being mixed together, the former were never found to have abused, on the plea of religion, the freedom of their national institutions, or the confidence of the government which they served. If then no instance of this kind can be adduced in support of the argument, it is to be judged of by its own intrinsic merits; and what, it may be allowed to ask, is there in the freedom of political institutions which can render them liable to such perversion as is apprehended? Are those who live under such institutions less attached to them, less interested in their preservation, than they are to their own, who live under absolute monarchies? Every British subject, every Helvetian, every American, would declare the contrary. Is it not the freedom of our institutions which places the conduct of every man under the eye of the nation, and subjects every project, by whomsoever planned, to the decree of public opinion? What but the nascent freedom of our institutions saved the commonwealth from the des-

potism attempted to be established by Charles ? What saved us from popery and arbitrary power, to use a trite phrase, in the time of James, but the freedom of our institutions ? What, since the Revolution, has secured England against the growing influence of the crown, but the freedom of her institutions ? And yet this freedom is to assist a popish cabal, in or out of parliament, to subvert the frame of our society, and derange all that the nation prizes — all that the crown and the legislature are sworn to protect. I honestly declare that this opinion surprised me, appearing to me, as it did, to want the characters of both justice and wisdom.

SECTION XIX.

The Lord High Chancellor.—The Oaths of Allegiance, Supremacy, and Abjuration.—The Consecration Oath taken by Catholic Bishops.—Mr. Pitt.—His Opinion on the Catholic Claims not reconcileable with that of Lord Eldon.

As arguments are to be considered not only with reference to their own force, but also to the character and station of those who use them, I may be permitted, for this latter reason only, to notice here one or two reported to have been employed by the Lord Chancellor, during the late debate on our question in that House where his Lordship has so long presided. I would not, indeed, presume to touch upon any observation which is supposed to have fallen from an august personage in that house. That personage is distinguished for the rectitude of his intentions, as well as for the goodness of

his heart, and these qualities afford a sufficient assurance of those who may one day be his subjects, then when time and circumstances shall allow him to weigh dispassionately the great question of their claims, he will come to a just conclusion upon it. They are assured that this royal personage will not only perceive that no pledge can bind him to the violation of right and justice, but also that claims which now appear to him to war with the interests of the constitution, would, if conceded, be well calculated to strengthen and secure all the rights, privileges, and immunities, which now exist among us.

The Lord Chancellor appears at present to ground his opposition to our claims on the several oaths which his Lordship has taken, binding him to support the supremacy and prerogatives of the crown, and to deny to the pope all temporal and spiritual jurisdiction within this realm.—His Lordship has also, agreeably to ancient custom, endeavoured to reconcile

himself with Mr. Pitt, and argued upon the possibility of finding securities for the Protestant Establishment. Not having condescended to show how the concession of our claims would encroach upon the supremacy or prerogatives of the crown, it may be presumed that he supposes the encroachment would proceed from the papal power; but as this subject has been so fully discussed at the commencement of this Essay, it must not be again introduced.—Perhaps Lord Eldon might, as a privy councillor, consult better for the interests of his royal master, by adopting means for the settlement of Ireland, than by proclaiming, on oath, his determination (which no one doubts) of upholding prerogatives which are not sought to be infringed. His Lordship is not a more faithful counsellor than Wentworth or Laud, yet their harshness, intolerance, and obstinacy, mainly contributed to the spilling of that blood which still stains our annals, nay, to the destruction of the monarchy itself.

But the noble Lord has also sworn to deny to foreigners any jurisdiction, spiritual or temporal, within this realm. The terms of the oath to which his Lordship alludes, do not pledge him alone to a denial, but also to this: "that no foreigner hath, or ought to have, any such jurisdiction within this realm;" I would add, as the obvious meaning of these words, "nor over any of his Majesty's subjects within this realm." Such certainly, in my opinion, is the meaning of the oath, if taken as is prescribed, "in the plain and ordinary sense of the words, "without any evasion, equivocation, or mental "reservation whatsoever." I can then only say, that I am much better pleased that his Lordship should have taken such an oath, than that I myself should have taken it; for I would not only freely swear, if it were necessary to do so, that the pope hath a spiritual jurisdiction, and no other, over some millions of his Majesty's subjects residing within the realm; but I know in my own proper person, who am, with his Lordship's permission, a liege sub-

ject of the king, that he hath such jurisdiction. As chancellor, he is doubtlessly vested with great discretionary power in matters of equity, especially where the law is doubtful or defective, but his Lordship has no power to alter a statute or change the words or meaning of an oath. It is, therefore, exceedingly doubtful whether the mode in which he is pleased to understand the oath of supremacy be a whit more intelligible to ordinary minds, than the meaning affixed to it "by two eminent lawyers, the one Irish, the other English," is to the understanding of his Lordship.

Catholic bishops have been taunted with the doubtful character of their consecration oath; though the obedience promised in it by them is expressly declared, in the very ritual of their consecration, to be *juxta canonicam sanctionem*, to be purely canonical. A charge of this kind is, I say, not very obscurely preferred against us, though a clause *salvo meo ordine*, to secure our own rights and privileges,

is inserted in this oath, almost at its very commencement; and though the allegiance which we owe to our sovereign is due of us by birth, by compact, by oath; though it be, as it were, born with us—antecedent to every other, and flowing from the very law of nature; though it be such, and that the consecration oath concludes with a most explicit declaration, that nothing therein contained is to be understood as opposed to this allegiance; though the practice of all Catholic nations, which deny as zealously and unequivocally as our own, all temporal jurisdiction in the pope; though the express meaning of him who administers the oath, and of him who takes it, be such as we declare it to be; yet are we almost directly charged with promising in that oath what conflicts with our duty as subjects. It would, indeed, be greatly desirable that this consecration oath, first taken, it is said, in the feudal times, by an Englishman, Boniface, Bishop of Mayence, were exchanged for one fitted to our own times, and notions, and habits; yet, until this, like many

other things equally the proper subjects of a concordat with Rome, be amicably settled, we should not, on account of it, be taunted by those who take, and then interpret the various oaths, and declarations, now prescribed as tests of loyalty to the subjects of this realm. But leaving this unpleasant discussion, it would be much better to legislate for the wants of a people who are Catholic, and will continue so, than to dispute with them about the meaning of words, or the imaginary power of the pope over their temporal or social duties.

The repeated declarations made in parliament by the Marquis of Camden, Earl Fitzwilliam, Lord Castlereagh; the documents furnished by Sir Henry Parnell, in his History of the Penal Laws; the Lord High Chancellor's own admission; the avowed cause of Mr. Pitt's retirement from office; his speeches in and out of office; all prove, incontestibly, the favourable sentiments of that minister to our emancipation, as well as his determination to

consolidate the Union by carrying it, were not an insuperable object unhappily opposed to his views. The memory of this statesman is in no wise honoured by those who suppose, or affect to suppose, that he who bestowed upon the great question of our political enfranchisement all the attention of his powerful mind; who retained, until his last moments, the most anxious desire for its accomplishment—had not considered what securities, if any, should attend so important a measure. He must have foreseen its bearings upon all the institutions of the country, and he who risked the very existence of those institutions, in order to preserve them unimpaired, would never have determined on a line of policy which did not, of its own nature, perfectly harmonize with every interest existing in the State. To his mind, I have no doubt, the emancipation of the Catholics appeared, as it did to those of Fox and Grattan, an act of sound and comprehending policy; an act which brought all its securities with itself, because it merged a people in the

empire, and obliterated, by its very fulfilment, every trace of disaffection, separation, and disunion. Mr. Pitt might, as he once did by consulting the Catholic universities, create some tub for the whale of prejudice to knash its teeth against, but he would smile at the narrow-mindedness of the man who could seriously seek security for the good behaviour of a nation at the moment it was rendered free and powerful, and capable of becoming rich and happy. But Pitt left after him little minds which he used for his purposes whilst living, and they who then were not worthy to loose the latchets of his shoes, have since laboured to blight his fame, and erase the finest record which he had left of his policy. His reputation, however, lives, and his spirit, walking amidst the British people, accompanied, and followed, by a train of sages such as no other age or nation but our own can present, will awake their minds to a sense of justice, of public interest, and of virtue;—it will teach them that “it is more blessed “to give than to receive;” and that by restor-

ing to us our long lost inheritance, they will, at length, fulfil a treaty too long violated; they will renovate the constitution, augment their own power, promote and extend their trade and commerce; but, above all, secure their empire from intestine wars, and render it invulnerable to foreign aggression.

SECTION XX.

Author's Aversion to religious Controversy.—

Cause of Doctrines of Confession, of Absolution, of Secrecy of Confession, as held in the Catholic Church and Church of England compared.—Concluding Reflections on the Variety of Church Discipline and religious Usages.

I NOW come to the consideration of some objections which appertain rather to religious controversy than to political discussion; but which have been introduced, whether to justify

opposition to our claims, or to awake dormant prejudices against us, I am unable to decide.

These objections relate to confession of sins, and the absolution consequent upon it, or to other rites or ceremonies, as they are taught and practised in our Church.

If I come, my Lord, to the discussion of these topics with reluctance, it is because I feel that the introduction of them has tended to excite religious acrimony, rather than to shed new lights upon the merits or demerits of our claims. I have not in the course of my life, whether in public or private, introduced controversial discussion: I have sometimes shared in it through necessity. Did I think that it could be conducted in Ireland with advantage to the interests of truth, and of that peace which surpasseth all understanding, I would willingly undertake it; but seeing the evils which have resulted from it, unwilling to probe anew ulcers which seem incurable, I have

hitherto contented myself, when called upon, to arrest some growing mischief or error : but that being done, I have left unnoticed and unknown the numberless silly and petulant lucubrations springing up around me, like flies in the summer solstice, which swarm about the traveller, without turning him from his way.*

* There are many reasons on account of which religious controversy cannot contribute to promote the interests of truth in the present state of this country. The first, and, perhaps, the chief of these reasons is, that the State has superseded the Church, and become itself the depository of religion—the framer, the modifier, and the defender of the politico-religious creed of the nation. The clergy, who, in their character of churchmen, possess no independence, are either a portion of the aristocracy who rule the empire, or they live by that aristocracy; they obtain and preserve their existence, not *dum sese bene gesserint*, but *durante bene placito*. The parliament can, independent of them, change the religion of the land; as Blackstone observes: It is a sort of theocracy we live under. This sacred powerful body rules every thing; the

If parliament had not been made the theatre where reflections of this unworthy kind were thrown upon Catholic doctrine, with a view of impeding the progress of our just cause, I

Church Establishment, the army, the navy, the colonies, the trade, manufactures, and soil of the country belong to it; it has its thousands and tens of thousands prepared to defend its decrees of whatsoever character or description; and where its code of religion is assailed by controversy, all its servants and agents are called into action, to protect and justify it. Who will contend with the master of thirty legions?

Again, this politico-religious creed, which has been prepared, and enacted, and *amended*, like any other act of parliament, comprises but a few articles; these articles, as the professing believers and teachers of them tell us, have, for a great part, gone into disuse, or undergone a silent reformation, so that at present a man may adhere to them, as to a religious creed, without believing all of them, or almost any of them; or he may believe them in a summary or general way, without believing each of them; hence arises a

should not alter my mode of proceeding, nor trouble your Lordship with reflections, which, though applied to a political purpose, are in reality of a religious character. But as the

freedom or licentiousness of judgment in religion, the parent of numberless sects amongst the weaker-minded, and of irreligion or deism amongst the immoral and those styled *learned*. But this freedom, fanaticism, irreligion, and deism, are diametrically opposed to the creed and practice of true Catholics. Who then can argue against such numerous and powerful antagonists with a reasonable prospect of success?

In the third place, the Protestants in Ireland derive their titles, honours, property, and emoluments, in a very great degree, from acts of that same power which formed and prescribed their present creed, and it is impossible to attack that creed, as a rule of faith, without exciting the fears and prejudices of those Protestants, and causing the ignorant and narrow-minded amongst them to be alarmed for the safety of all they possess. Until times of greater calm and tranquillity arrive, these men cannot be taught to dis-

penal code, like the statue seen in the vision of the prophet, being partly of clay, partly of iron, and a part of brass, requires many and different props for its support; so in order to

tinguish between civil or political rights, and that religious system which has been mixed up with them. Whosoever then would wish to allay heats, and subdue prejudice, must be averse to religious controversy in Ireland.

Next, from the depressed situation of Catholics, and the power, dignity, and influence of the State, it is clear that a Catholic, who exposes what he considers the errors of the parliamentary creed, must do so in very measured language, whilst the well-paid advocates of that creed, can indulge, not only with impunity, but with applause, in revilings and abuse, and misrepresentations, of that religion, which the Catholic, abject and unprotected, vainly labours to defend. It is also worthy of observation, that such is the influence of pride, interest, and worldly feelings, that there are but few of those who read controversial works, and are capable of estimating the force of

dissolve it into the base materials of which it is composed, we are obliged, like the prudent householder in the Gospel, to bring out from the treasury of argumentation, old things and

proof, who would, even though convinced, embrace, in the present state of things in Ireland, the Catholic faith. I have heard of a Protestant gentleman, a man as liberal, as enlightened, and as kindly-hearted as ever Ireland produced, who declared, that he would rather descend into hell, than embrace the Catholic faith, on account of the loss and disgrace which such conversion would entail upon himself and upon his family. I am confident the expression exaggerated his thought, but it indicates, nevertheless, how fruitless controversy would be in effecting, amongst the reading class of society, that salutary purpose for which it should principally be undertaken. Moreover, all controversy between Catholics and the professors of the state creed, can and ought to be reduced to a single question, and that is not, whether unity of faith be essential to salvation; for that such unity is necessary, we are all agreed; so much so, that all

new. I should, indeed, not find it difficult to justify the doctrine or practice of confession, as it existed amongst the Israelites, as it was observed by the primitive Christians, and as it is

Protestants allow that salvation can be attained *even* in our Church, because, forsooth, we have preserved the essential truths and precepts of Christianity, and are, on that account, a portion of the *one* Church, and partakers of, or believers in the one necessary faith.

The question at issue between us is: *What are the articles which constitute that faith, without believing which it is impossible to please God?* Protestants specify, some one article, some two, some more, as it may seem good to them, and consider the belief in all other articles as more or less faulty or meritorious, but not essential to salvation. This system, beyond doubt or controversy, is not founded on the word of God. From Genesis to Revelations it does not appear; it was not heard of in the Church until after the 16th century, and it is not consistent with the doctrine or practice of antiquity.

continued in our time ; it would not even be unpleasant to contemplate the impulse of our nature, the dictates of our reason, combined with the Divine and Church law, in prescribing

The Catholics hold that unity of faith consists in all true believers saying and believing the same thing, and not having schisms or heresies amongst them ; so that if any one go out of the body, he is no longer of them, for if he were of them he surely would have remained with them. And again, that if any person broach in the body a new doctrine, and that such doctrine is examined and condemned by those who sit in the judgment chair, and that the person broaching it does not hear and obey the sentence passed upon his opinion, he, having thus separated himself, is to be cast out among the heathens and publicans : not for the quantity or quality of his error, but because he obstinately adhered to it, and refused to hear the Church speaking through those with whom Christ promised to be teaching all days to the consummation of the world.

This unity of faith is of a fixed and settled kind ; it

confession as a healing balsam to the troubled conscience of a sinner, or as affording him relief and forgiveness in the humble avowal of his guilt; but though compelled to notice this sub-

does not admit of more or less, or depend upon the opinion or judgment of any individual, but upon the regular decision of those whom Christ gave as doctors and pastors in his Church, that his people might not be tossed about by every wind of doctrine, or become the dupes of those tyrants who commit violence upon the fold, or of those cunning, crafty knaves, who lie in wait to deceive the unwary.

This mode of determining what is, or is not to be believed, accords with the commission given by Christ to his apostles, when he sent them to teach the world, and promised to be with them, in the persons of their successors, to the end of time. It accords with the promise of sending to abide with them for ever the Spirit of Truth, who was to teach them all truth without any distinction of articles; it accords with the commission given to Peter, to feed the flock of Christ; it accords with the proceedings of the apostles at Jerusalem,

ject, I cannot allow myself to obtrude upon your Lordship a theological dissertation. Suffice it to say, that confession of sin, not only to God, but also to his minister in the Church,

when assembled, they decided upon an appeal sent up from Antioch, on the non-necessity of the Gentile converts observing the Mosaic law; it accords with the proceedings of the Church at Nice, at Constantinople, at Ephesus, at Chalcedon, and in all those councils wherein, with the approbation of all her children, she has decided controversies, and condemned errors without distinction of their quantity or quality.

The rites, the liturgies, the ceremonies, the languages, the discipline of the different nations who compose the body of Christ, which is the Church, may and ought to differ, but their faith must be ONE: so that in what matters soever of faith the body of pastors united have given judgment, dissent is criminal, and it is only on those opinions which have not been referred to their supreme tribunal, that freedom of judgment is allowed. To arraign this tribunal of error, in determining what should be believed, is to arraign the promises of Christ,

is a practice as old as Christianity—warranted by the Scripture, and sanctioned as well by the Church of England as by ours. That our Church enjoins it by a canon of the council of

and to suppose that error prevailed in despite of him ; it is to suppose that the gates of hell prevailed against the Church, which the body of bishops, in union with their chief, who keeps them all united, rule by divine appointment.

All controversy then with the Church of England must be in a great measure fruitless, until she will have proved that she is the Church to which the promises of Christ were made ; which was founded by his apostles, which never separated from the body which he directed, and which his spirit animated. If the simple fact of separation be proved against her, her cause is lost, as there could be no just necessity for such separation. If there could, the constitution of the Church, as founded by Christ, was imperfect ; he provided no means within herself whereby she could heal the infirmities of her own children ; his promises to her of perpetual assistance were broken ; she ceased to be

Lateran, re-enacted in that of Trent, as an obligation flowing from the divine law, and observed universally from the beginning, is quite certain. This canon, commencing with

the pillar and ground of truth ; and in place of a man deserving to be cast out amongst the heathens and publicans for not hearing her, it would be a virtue to despise her.

All this the Church of England must prove, and when she will have done so, it will yet remain for her to establish her system of unity of faith ; a system which she never would have devised, (for it is a merely human invention,) if she could by any possibility have justified her separation. All controversy must turn upon this point. To argue upon this article of belief, or that other point of discipline or practice, is a waste of time and words ; and although there is not a single article of our faith, or one solitary practice approved of by our Church, (I do not, of course, include many vulgar usages and obsolete customs, still less local practices or discipline,) which is not intrinsically good and true ; yet, in place of reasoning upon them in de-

the words *Omnes Utriusque*, innovates somewhat upon the old custom ; but strange to tell, it is by removing the obligation which the Church law before imposed, of more frequent

tail, I would, with Jerome, dry up all the rivulets of error, or objections, brought against them, by the sun alone of the Church, or exclaim with Augustine : “ *Ecclesia, quod est contra fidem vel bonos mores nec approbat, nec tacet, nec facit;*” or again, “ *quod universa frequentat ecclesia quin ita faciendum sit dicere insolentissimæ audaciæ est.*”

The ignorance and the malevolent might infer, or affect to infer, from these observations, that because I consider the British parliament as having separated the nation from the Catholic Church, and framed for the people of these realms a creed, which, in my opinion, is not correct or true ; that, therefore, I consider every person who professes, or rather obeys that creed, as guilty of the errors and separation which it prescribes and sanctions ; but such an inference would be most unjust. What St. Augustine addressed to certain Donatist bishops, what I myself have quoted elsewhere,

confession, and limiting its observance to once at least in each year. This canon relaxed the ancient discipline, on account of the decay of piety amongst the faithful, and lest ordinances

I would offer as a full and satisfactory explanation of the opinions which I hold with regard to those who differ from Catholics in their religious belief. When men maintain errors which they have not introduced themselves, but received from their ancestors,—when they diligently seek for truth, and are ready, on finding it, to stand corrected, such persons are by no means to be considered as wilfully and obstinately attached to error, which alone could render them guilty of that fault or misfortune which I forbear to name. Who may, or may not, be guilty of this, or any other fault, it is not mine to judge. The same God who has taught me to love my neighbour, whether Jew or Gentile, Greek or Barbarian, as I love myself, has also commanded me, saying: “Judge not, and you will not be judged; condemn not, and you will not be condemned; for in the same measure in which you will mete to others, it will be measured to yourself;” and “judgment without mercy to him who hath no mercy!”

which no longer helped their infirmity, might, by being transgressed, become to them a cause of prevarication. It is very possible that if a general council were assembled in our days, it might repeal the ecclesiastical law altogether, such, in many parts, is the frequency of its violation, and leave the divine law, alone, to operate upon the consciences of men. The Church of England seems to have taken this view of the subject; for in her canons she contents herself with exhorting earnestly her children to the practice of confession. The 19th of the Irish canons "*on warning to be given beforehand for the Communion*," after prescribing the mode in which such warning is to be given, the evening before, by the minister of every parish, proceeds thus: "To
" the intent that if any have any scruple of
" conscience, or desire of special ministry, of
" *reconciliation*, he (the minister) may afford it
" to those that need it; and to this end the
" people are to be exhorted to enter into a
" special examination of the state of their own

“souls; and that finding themselves either extreme dull or much troubled in mind, they do resort unto God’s ministers to receive from them as well advice and counsel for the quickening of their dead hearts, and the subduing those corruptions whereunto they have been subject, as the benefit of *absolution* likewise; for the quieting of their consciences; by the power of the keys which Christ hath committed to his ministers for that purpose.”

In the Visitation of the Sick, the rubric prescribing the duties to be performed on that occasion by the clergyman, says: “Here shall the sick person be moved to make a special confession of his sins, if he feel his conscience troubled with any weighty matter.” After which confession, the priest shall absolve him, if he humbly and heartily desire it, after this sort: “Our Lord Jesus Christ, who hath left power to his Church to absolve all sinners who truly repent and believe in him, of his great mercy forgive thee thine offences, and by

*“ his authority committed to me, I absolve thee
“ from all thy sins, in the name of the Father,
“ and of the Son, and of the Holy Ghost.”*

The words which we use on similar occasions, after the usual exhortations to the sick person, are: “ May the Almighty God have
“ mercy on thee, forgive thee thy sins, and bring
“ thee to everlasting life. Amen. May the Al-
“ mighty and merciful God grant to thee pardon,
“ absolution, and remission of thy sins. Amen.
“ May our Lord Jesus Christ absolve thee, and
“ *I by his authority absolve thee* from all bond
“ of excommunication or interdict (as far as I
“ can and ought,) *moreover, I absolve thee from*
“ *all thy sins, in the name of the Father, and of*
“ *the Son, and of the Holy Ghost.”*

These are the entire of the forms of absolution used in both Churches. It is useless to observe upon the identity of doctrine, and similarity of language found in them: they are such as no casuistry can distort from their true

sense and obvious meaning, and whosoever attempts to employ it for that purpose, may collect upon himself contempt and ridicule, but cannot alter the existence of things. The disposition of the penitent, in order that this absolution take effect, or that the sinner be justified, is, in our Church, the confession already mentioned, a sorrow of heart and detestation of sin committed, and a firm purpose of sinning no more.—See Council of Trent, sess. 14. c. 4.

Our Redeemer, as is stated in the 20th chapter of the Gospel according to St. John, breathed on his apostles, and said: “Receive ye the Holy Ghost; whosoever sins you shall forgive, they are forgiven; and whosoever sins you shall retain, they are retained.” These words are adopted by both Churches, in the form used for the ordering or ordaining of priests, and pronounced by the bishop when he imposes hands on those who are raised to that order in the ministry. From the tenor then and obvious meaning of these words, we infer that

the power exercised by the priest, when he imparts absolution, is an act of authority, such as a judge exercises when administering the law which condemns or acquits a criminal. The sentence pronounced by the priest is not, in our conception, merely declaratory, but a sentence which effects what the words imply—namely, that the sin is then and there forgiven, and forgiven by the priest, in virtue of the power imparted to him by the Almighty at his ordination, and which he is commissioned by the Church to exercise. That this is the manner in which absolution by the priest is understood in the Established Church, may be collected, not from any modern distorting comments, but from the fair and candid testimony, for instance, of Doctor Andrews, bishop of Winchester, in his sermon on the words already quoted from St. John: “Whosoever
“sins ye shall forgive, &c.” “We are not,” says he, “the ordinance of God thus standing,
“to rend off one part of the sentence; there
“are here expressed three persons: 1st, the

“ person of the sinner, *whosoever* ; 2nd, of God,
“ in *are forgiven* ; 3d, of the priest, in *ye will*
“ *forgive*. Three are expressed, and when
“ three are expressed three are required, and
“ where three are required two are not enough.
“ It is St. Augustine, who thus speaketh of
“ this ecclesiastical act in his time, *nemo sibi*
“ *dicat*, let nobody say within himself, I re-
“ pent in private, I repent before God ; God
“ who pardons me, knows I repent from my
“ heart.—Then to no purpose was it said:
“ Whatsoever you shall loose on earth shall be
“ loosed in heaven. Then to no purpose were
“ the keys given to the Church of God ; we
“ make void the Gospel ; we make void the
“ words of Christ.” Adverting to the form of
ordaining priests above noticed, he adds : “ God
“ ordinarily proceedeth in remitting sin by the
“ Church’s act, and hence they (the priests,)
“ have their part in this work, and cannot be
“ excluded : and to exclude them is (after a
“ sort) to wring the keys out of their hands, to
“ whom Christ hath given them,—is to cancel,

“ and make void, this clause, *remiseritis*, (*ye shall forgive*,) as if it were no part of the sentence,—to account of all this solemn sending and inspiring, as if it were an idle and fruitless ceremony.

Whether, then, we look to the Gospel—to the form of ordination or absolution—to the canons—or to the candid expositions of this doctrine in both, or either Church, it must be manifest to your Lordship that no difference whatever exists as to the nature or quality of the absolution imparted by the priest; nor is it less obvious that, with regard to confession, the difference is one of ecclesiastical regulation only; the one Church earnestly recommending what the other more strictly enjoins; so that if the practice be blameable in the one, it is not innocent in the other; or, if it be commendable at London, it should not be censured in Dublin, or at Rome.

It is true, the one Church only recommends

confession, whilst the other enjoins it; but it is not the form or manner in which a duty is enforced, (that may depend on time, places, and circumstances,) so much as the reason on account of which it is at all prescribed, that should influence our judgment as to its value or demerit. And why is confession of sin either commanded or recommended, especially when preparing for communion, or about to depart from this life and render up an account to God? Is it not for this reason, that at times so awful, when we may either receive the bread of life, or eat and drink damnation to ourselves; when we are about to be consigned to everlasting punishment, or admitted to eternal bliss; we should do all in our power to atone for our past offences, and re-establish our peace with God. If to attain, then, so important a blessing as the remission of our sins, (and if we say we have not sin, we are liars, and the truth is not in us,)—if, for this purpose, it be useful to confess them, and avail ourselves of the power of the keys committed by Christ to his Church;

if this be useful at these moments, why should such a practice, at any time, be censured? or if it be useful on occasions so awful and important, why should it not be resorted to whenever the conscience is oppressed with guilt, or torn by remorse? I know not how this question can be answered, unless, indeed, we are so ungrateful as to despise the patience and long suffering of God; so perverse, as to live at enmity with our Creator, and only return to him at that last moment, when, perhaps, our impenitent heart, having treasured up wrath for itself against the day of wrath, may not be moved to contrition, or when, like Antiochus, we may call for mercy, and not obtain it.

As to the secrecy to be observed by the priest with regard to confession, nothing could surprise me more than that such secrecy should any where become the subject of long and laboured discussion; or that it could have incurred the censure of any one who considers confession itself as either a necessary or useful

adjunct of a divine ordinance or rite. To despise confession and respect the Christian law appears to me quite inconsistent ; but to admit confession as either necessary or useful, and yet object to the secrecy of it, is still more difficult to be reconciled. The Archbishop of Dublin seems not to know whether the obligation imposing secrecy on the priest, who is made the depositary of the sinner's confidence, be religious or ecclesiastical ; to me it is obviously not only religious and ecclesiastical, but an obligation flowing from the natural and divine law. If the first dictate of reason be to do to others as we would that others do to us, it requires no induction or other argument to prove, that we should not betray the confidence or reveal the secret confined to us by a friend. To this general rule there are many exceptions, founded upon the duties which we owe to our neighbour, or to the State. But when a divine institution, such as that of remission of sin by the power of the keys, depends for its integrity and useful exercise upon the secrecy of con-

fession being inviolable,—when this inviolability not only secures the institution from abuse, and promotes a practice the most salutary amongst men,—when it tends powerfully, and frequently, to arrest crime, to repair injuries, to protect society,—when by no possibility it can injure either the State or individuals, then it may be justly considered as essentially and necessarily connected with that institution itself, and to partake, in some degree, of the sacredness of its character.

Such indeed the Church has always considered it, and so universal, so public, and so practically recognised was this privilege, or attribute of confession in England, at the period of the change in religion, that the framers of that code of canons which I have before quoted, thought the mere recital of it sufficient, without making it the subject of a special enactment.

If by an ordinance of the king, at the time

alluded to, it was decreed that the ecclesiastical law, then established in the country, should continue to have force until a new code of canons should be framed, (a work which as yet is but incomplete,) then the laws of the Church which enjoined this secrecy, and especially the law of Lateran respecting it, were still considered to have force. When Protestant writers then, upon ecclesiastical law, call the revealing of confession by the name of *nefas*, or crime, they only stand upon the ancient law, and established practice of the English Church. So the Irish Clergy thought and acted, when in the 54th of their canons, they inserted the following clause: “ Provided always, that if any
“ any one confess his secret and hidden sin to
“ the minister, for the unburthening of his conscience, we do not any way bind the said
“ minister by this, our constitution, *but do*
“ *straitly charge and admonish him that he do*
“ *not at any time reveal, or make known to any*
“ *person whatsoever, any crime or offence so*
“ *committed to his trust and secrecy,* (except they

“be such crimes, as by the laws of this realm,
“his own life may be called into question for
“concealing the same,) under pain of irregu-
“larity.”

Here the old and established law is recognised; but lest the ministers (who are required in the foregoing part of the canon to present to the ordinary, at his visitation, such public crimes, or scandals, as occurred within their parish) might conceive that the law extended to crimes made known to them in confession, these latter are expressly excepted, and the obligation of concealing them enjoined anew. This, my Lord, is the true meaning of the canon, and the rational mode of accounting for the manner in which the secrecy of confession is there incidentally introduced.

The clause inserted within the parenthesis, qualifies, it is true, the previously existing law: I have little doubt, however, but this very clause was one of the amendments in these

canons, which the imperious viceroy who then ruled the Church and State of Ireland, prescribed to that reverend body, who were only assembled to register his edicts, and to conform their doctrine and discipline to that of their sister Church in England.

The departure from the ancient law of the Church, introduced by that parenthesis, affords, in my mind, one of the many existing proofs of the exceeding pliancy of the Established Church to the will of her head; and I cannot forbear classing it with that sentence of divorce between Henry VIII. and Anne of Cleves, sanctioned by Cranmer and all his colleagues, against the dictates of their conscience, as Burnett himself testifies. However that may be, our discipline, and that of the Established Church, are upon this point substantially the same, and if the exception made by the latter served to annihilate the practice of confession amongst the Protestants, the non-admission of it has contributed to preserve it amongst us.

But we and the Clergy of the Established Church, though from different causes, are equally incapable of revealing the secrets of confession; they, because such secrets are not confided to them,—we, because we cannot make them known. There is, however, this difference between us, that many opportunities are afforded to us of preventing crime and repairing injustice, whilst few or no such opportunities occur to them. Still, if our doctrine be *monstrous*, their's is *greatly deformed*; and without any overweening anxiety on our part to be likened to them, we are still, in despite of ourselves, found to have many ancient traits of resemblance.

There is, indeed, one wide and conspicuous difference between some of the prelates of the Establishment and us; that we are perfectly well acquainted with the doctrine and discipline of both Churches, whilst on the part of some, at least, amongst them, a surprising want

of knowledge on these matters appears to exist.

Where the canon last cited by me subjects to irregularity a clergyman that might reveal confession, if I were to inquire of the youngest clergyman of my communion in this diocese, what was the meaning of these terms, he would not hesitate to explain for me what irregularity meant, with the various kinds of it, as they proceed either from defect or crime; yet, upon this preliminary of ecclesiastical knowledge, little or no information could be obtained from a distinguished prelate of the Established Church. Were one of my youngest pupils in theology to confound a Church censure, (including, as it does, suspension from order, from jurisdiction, from a benefice, severally or together, as well as excommunication, in all its grades and consequences,) were he to confound this with an admonition or reprimand, or to tell me that a clergyman could be stript of his orders, I should deem him unfit to exercise any office or order

in the Church. Yet, my Lord, men ignorant of these matters, with which their office and duty should make them constantly conversant, are deemed competent to give opinions on the Catholic religion and Church—they are prepared to call obscure what is scarcely unknown to any one, and to cover with reproaches what they dislike, but do not understand. In the sincerity of my heart I assure you, that I do not make these reflections in a spirit of uncharitableness or ill-will, but for the purpose of impressing upon your mind the danger of being imposed upon by misrepresentation, whether proceeding from ignorance or whatsoever cause, and of inducing you, when judging of our doctrine, to obtain information from those who are competent to give it, and on whom your Lordship may with safety rely.

To advert to those general or special charges of unseemly usage, of undisciplined or mistaken piety, which may be found to exist, or to have existed, in the diversity of nations and

ages which appertain to our Church, would be as unacceptable to your Lordship, as it would be irksome to myself. A mind such as yours, stored with historical knowledge, sees at a glance, and judges intuitively of the origin, nature, and bearings of such things as these. The Author of our religion came into this world to reform man, not to destroy the constitution of his being ; to purify and direct to a proper object the desires and propensities of his heart, but not to eradicate them. The pastors of the Church found in those, whom they gathered from heathenism to the fold of Christ, a fund of natural piety which had been grievously misapplied ; they discovered in the new proselytes an unsteadiness in spiritual exercises which should be fixed, and an imagination which required occasional indulgence as well as restraint ; above all, they found prevailing, in every nation, laws, usages, and customs, which might be turned to the advantage of Christianity, but which could not be altogether abolished, or entirely removed. With the prudence of ser-

pents, and the simplicity of doves, these pastors applied themselves to the work of conversion; and having substituted a belief in the only true God, and in Jesus Christ, whom he had sent, for the paganism which prevailed, they took the institutions which existed, and having purified them of whatever was profane in their nature or application, employed them for better purposes, and a better end. They conciliated prejudices which they could not remove, and left to the infirmity of the convert, to his fancy, or to his interests, many forms and customs, which, indifferent in themselves, had been perverted to evil purposes; but which, henceforth, would be made to work together for his good. Thus, many ancient rites of marriage were transferred from the pagan ritual into that of the primitive Christians. The ceremonial of the imperial court furnished many forms which are still observed in the Church; the processions and solemnities of the pagan festivals were exchanged for others not dissimilar to them, but congenial to the spirit of

true religion, and to the natural propensities of men. The fire that once was lighted to Baal, was still lighted, but in honour of the baptist, or of an apostle; and the torches which blazed at the processions of Jupiter or Juno were not extinguished, but carried in honour of Christ, or the Virgin Mother. The feelings of men were not subjected to violence; their natural dispositions and propensities were not eradicated, but purified; and the transition from darkness to light, from error to truth, from idolatry to pure worship, was rendered to them as easy and imperceptible as was compatible with their salvation.

This wise economy greatly contributed to the conversion of the world, and to the stability of the Christian faith.

The Almighty would not, probably, have revealed mysteries had they not been necessary to subdue pride and captivate the understanding. Had our will been more refined, our

passions less violent, our imaginations less restless, our whole constitution more exalted, fewer rites and ceremonies, and much less solemnity, would be required for our worship: we could adore like angels, or, at least, without those forms which now help our infirmity. These plain and obvious truths furnish to a just observer of human things, a full and satisfactory account of the diversity of Church discipline, and of those ceremonies and usages which grow up and decay with the rise and fall of nations; which vary not only with the ages that roll over us, but with every country and clime, and almost with every class of society. To make our present notions, or the customs of our Church or country, a standard for what was or is becoming at other times or places, is the folly of little and uneducated minds; to square our religious ceremonial by some abstract rule, or by what we may discover most perfect in the whole range of our reading or observation—without attending to the capacity,

wants, habits, and prejudices of the people amongst whom we live, is to introduce confusion in the place of order, and to subvert what we wish to establish.

Those who new-modelled the Church of England, besides a jealousy and hatred of our religion, which marked all their proceedings, were governed by this limited view of things, as much perhaps as by that fanaticism which would prefer murder or sacrilege to a surplice or a cap; but to these causes collectively we are obliged to trace those defects in the English liturgy, which have left the temples without ornament, the worship without solemnity, and the people often more attached to the conventicle than to the Church. If there be excess in our Church, (which I can scarcely admit,) there is a deficit in that other which has separated from us; and, whilst in that respect *we* adhere with pertinacity perhaps to some ancient ceremonies, England is now what

she was in the time of venerable Bede, *Insula, aliquid novi semper scire gestiens, et nil certi unquam inveniens*.—An island always anxiously seeking something new, never finding any thing certain.

PASTORAL ADDRESS,

&c. &c.

THE CLERGY AND LAITY

ROMAN CATHOLIC CHURCH PASTORAL ADDRESS

Rev. BROTHERS, MY FRIENDS, AND SISTERS,

When a husband signs of the
obligations which the nature of our office im-
poses on us, we have a right to expect that the
example of our predecessors in the hierarchy in
common on the same point will be a guide to
us. We have often in our deliberations
various subjects which have been connected
with the welfare of religion, and we let us

TO
THE CLERGY AND LAITY
OF THE
ROMAN CATHOLIC CHURCH
IN IRELAND.

REV. BROTHERS, BELOVED CHILDREN,

WITH a trembling sense of the obligations which the nature of our office imposes on us, we have come together, after the example of our predecessors, to deliberate in common on the awful interests with which we are charged. We have taken into consideration various subjects which are intimately connected with the welfare of religion; and whilst we

have sought with jealousy to guard the sacred deposit "committed to our trust by the Holy Ghost," (2 Tim. i. 14. ;) we have also esteemed it a duty to be "ready to satisfy every one that asketh us a reason of that hope which is in us," (1 Pet. iii. 15.,) that you, "dearly beloved, our joy and our crown (may) stand fast in the Lord," (Phil. iv. 1. ;) and "that he who is on the contrary part may be afraid, having no evil to say of us."—Tit. ii. 8.

We know, dearly beloved, the filial duty with which you are solicitous to hear the voice of those who "watch, as being to render an account of your souls."—Heb. xiii. 17. We hasten therefore to make known to you our unanimous decisions on such matters as are of common concern, that you, on your part, may "fulfil our joy; that being of one accord, you stand fast in one spirit, with one mind labouring together for the faith of the Gospel."—Phil. ii. 2 and i. 27.

1ST RESOLUTION.

HAVING considered attentively a plan of national education which has been submitted to us,—resolved, that the admission of Protestants and Roman Catholics into the same schools, for the purpose of literary instruction, may, under existing circumstances, be allowed, provided sufficient care be taken to protect the religion of the Roman Catholic children, and to furnish them with adequate means of religious instruction.

2ND RESOLUTION.

THAT in order to secure sufficient protection to the religion of Roman Catholic children under such a system of education, we deem it necessary that the master of each school, in which the majority of the pupils profess the Roman Catholic faith, be a Roman Catholic: and that in schools in which the Roman Catholic children form only a minority, a permanent Roman Catholic assistant be employed: and that such master and assistant be appointed upon the recommendation, or with the express approval, of the Roman Catholic Bishop of the diocese in which they are to be employed: and further, that they, or either of them, be removed upon the representation of such Bishop. The same rule to be observed for the appointment or dismissal of mistresses and assistants in female schools.

3RD RESOLUTION.

THAT we consider it improper, that masters and

mistresses intended for the religious instruction of Roman Catholic youth, should be trained or educated by or under the control of persons professing a different faith; and that we conceive it most desirable, that a male and female model school shall be established in each province in Ireland, to be supported at the public expense, for the purpose of qualifying such masters and mistresses for the important duties which they shall be appointed to discharge.

4TH RESOLUTION.

THAT in conformity with the principle of protecting the religion of Roman Catholic children, the books intended for their particular instruction in religion, shall be selected or approved by the Roman Catholic Prelates: and that no book or tract for common instruction in literature, shall be introduced into any school in which Roman Catholic children are educated, which book or tract may be objected to on religious grounds by the Roman Catholic Bishop of the diocese in which such school is established.

5TH RESOLUTION.

THAT a transfer of the property in several schools which now exist, or may hereafter exist in Ireland, may be utterly impracticable from the nature of the tenure by which they are, or shall hereafter be held; and from the number of persons having a legal interest in them, as well as from a variety of other causes; and that, in our opinion, any regulation which should re-

quire such transfer to be made, as a necessary condition for receiving parliamentary support, would operate to the exclusion of many useful schools from all participation in the public bounty.

6TH RESOLUTION.

THAT, appointed as we have been by divine providence to watch over and preserve the deposit of Catholic Faith in Ireland; and responsible as we are to God for the souls of our flocks, we will, in our respective dioceses withhold our concurrence and support from any system of education which will not fully accord with the principles expressed in the foregoing resolutions.

7TH RESOLUTION.

HAVING taken into consideration the project of a provision to be made by law for the support of the Prelates and Clergy of the Roman Catholic Church in Ireland,—resolved, that no such legal provision for our support, and that of our clergy, will be acceded to by us, until the Catholics of Ireland shall have been emancipated. And that at no period can we accept any such legal provision, unless our acceptance of it be found by us consistent with the independence of our Church and the integrity of its discipline, as well as with the cordial union and affectionate attachment which has hitherto subsisted between the Catholic Clergy and that faithful people, from whose generous contributions we and our predecessors have, for centuries, derived our support.

8TH RESOLUTION.

HAVING learned with sorrow, that, notwithstanding the repeated expositions already given of our faith, some grievous misconceptions regarding certain points of Catholic doctrine are still unhappily found to exist in the minds of many of our fellow-subjects,—resolved, that we deem it expedient to remove, the possibility of future misconception on those heads, by the following full and authentic declaration.

DECLARATION
OF THE
ARCHBISHOPS AND BISHOPS
OF THE
ROMAN CATHOLIC CHURCH
IN IRELAND.

AT a time when the spirit of calm inquiry is abroad, and men seem anxious to resign those prejudices through which they viewed the doctrines of others, the Archbishops and Bishops of the Roman Catholic Church in Ireland avail themselves with pleasure of this dispassionate tone of the public mind, to exhibit a simple and correct view of those tenets, that are most frequently misrepresented. If it please the Almighty that the Catholics of Ireland should be doomed to continue in the humbled and degraded condition in which they are now placed, they will submit with resignation to the divine will. The Prelates, however, conceive it a duty which they owe to themselves, as well as to their Protestant fellow-subjects, whose good opinion they value, to endeavour once more to remove the false im-

putations that have been frequently cast upon the faith and discipline of that Church which is intrusted to their care, that all may be enabled to know with accuracy the genuine principles of those men who are proscribed by law from any participation in the honours, dignities, and emoluments of the State.

I.

Established for promoting the happiness of mankind, to which order is essential, the Catholic religion, far from interfering with the constituted authorities of any state, is reconcileable with every regular form which human governments may assume.—Republics as well as monarchies have thriven where it has been professed, and, under its protecting influence, any combination of those forms may be secure.

II.

The Catholics in Ireland of mature years, are permitted to read authentic and approved translations of the Holy Scriptures with explanatory notes; and are exhorted to use them in the spirit of piety, humility, and obedience. The Clergy of the Catholic Church are bound to the daily recital of a canonical office, which comprises, in the course of a year, almost the entire of the sacred volume; and her pastors are required, on Sundays and on festivals, to expound to the faithful, in the vernacular tongue, the epistle or

gospel of the day, or some other portion of the divine law.

III.

Catholics believe that the power of working miracles has not been withdrawn from the Church of God. The belief, however, of any particular miracle not recorded in the revealed word of God, is not required as a term of Catholic communion, though there are many so strongly recommended to our belief, that they cannot without temerity be rejected.

IV.

Roman Catholics revere the Blessed Virgin and the Saints, and piously invoke their intercession. Far, however, from honouring them with divine worship, they believe that such worship is due to God alone, and that it cannot be paid to any creature without involving the guilt of idolatry.

V.

Catholics respect the images of Christ and of his Saints, without believing that they are endowed with any intrinsic efficacy. The honour which is paid to these memorials is referred to those whom they represent; and should the faithful, through ignorance, or any other cause, ascribe to them any divine virtue, the Bishops are bound to correct the abuse, and rectify their misapprehensions.

VI.

The Catholic Church, in common with all Christians, receives, and respects, the entire of the ten commandments, as they are found in Exodus and Deuteronomy. The discordance between Catholics and Protestants on this subject arises from the different manner in which these divine precepts have been arranged.

VII.

Catholics hold, that, in order to attain salvation, it is necessary to belong to the true Church, and that heresy or a wilful and obstinate opposition to revealed truth, as taught in the Church of Christ, excludes from the kingdom of God. They are not, however, obliged to believe, that all those are wilfully and obstinately attached to error, who, having been seduced into it by others, or who, having imbibed it from their parents, seek the truth with a cautious solicitude, disposed to embrace it when sufficiently proposed to them : but leaving such persons to the righteous judgment of a merciful God, they feel themselves bound to discharge towards them, as well as towards all mankind, the duties of charity, and of social life.

VIII.

As Catholics in the Eucharist adore Jesus Christ alone, whom they believe to be truly, really, and

substantially present, they conceive they cannot be consistently reproached with idolatry by any Christian who admits the divinity of the Son of God.

IX.

No actual sin can be forgiven at the will of any pope, or any priest, or of any person whatsoever, without a sincere sorrow for having offended God, and a firm resolution to avoid future guilt, and to atone for past transgressions. Any person who receives absolution without these necessary conditions, far from obtaining the remission of his sins, incurs the additional guilt of violating a sacrament.

X.

Catholics believe that the precept of sacramental confession flows from the power of forgiving and retaining sins, which Christ left to his Church. As the obligation of confession, on the one hand, would be nugatory without the correlative duty of secrecy on the other, they believe that no power on earth can supersede the divine obligation of that seal which binds the confessor not to violate the secrets of auricular confession. Any revelation of sins disclosed in the tribunal of penance, would defeat the salutary ends for which it was instituted, and would deprive the ministers of religion of the many opportunities which the practice of auricular confession affords, of re-

claiming deluded persons from mischievous projects, and causing reparation to be made for injuries done to persons, property, or character.

XI.

The Catholics of Ireland not only do not believe, but they declare upon oath that they detest as unchristian and impious, the belief “that it is lawful to murder or destroy any person or persons whatsoever for or under the pretence of their being heretics;” and also the principle “that no faith is to be kept with heretics.” They further declare, on oath, their belief, that “no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever;” “that it is not an article of the Catholic faith, neither are they thereby required to believe, that the pope is infallible;” and that they do not hold themselves “bound to obey any order in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such an order; but, on the contrary, that it would be sinful in them to pay any respect or obedience thereto.”

XII.

The Catholics of Ireland swear, that they “will be
“faithful, and bear TRUE ALLEGIANCE, to our
“most gracious sovereign lord KING GEORGE

“ **THE FOURTH** ; that they will maintain, support,
 “ and defend, to the utmost of their power, the succes-
 “ sion of the crown in his Majesty’s family, against any
 “ person or persons whatsoever : utterly renouncing and
 “ abjuring any obedience or allegiance to any other
 “ person claiming or pretending a right to the crown of
 “ these realms ;” that they “ renounce, reject, and
 “ abjure the opinion, that princes excommunicated by
 “ the pope and council, or by any authority of the
 “ See of Rome, or by any authority whatsoever, may
 “ be deposed and murdered by their subjects, or by
 “ any person whatsoever ;” and that they “ do not
 “ believe that the pope of Rome, or any other foreign
 “ prince, prelate, state, or potentate, **HATH, OR**
 “ **OUGHT TO HAVE**, any temporal or civil juris-
 “ diction, power, superiority, or pre-eminence, directly
 “ or indirectly within this realm.” They further so-
 “ lemnly “ in the presence of God, profess, testify, and
 “ declare, that they make this declaration, and every
 “ part thereof, in the plain and ordinary sense of the
 “ words of their oath, without any evasion, equivoca-
 “ tion, or mental reservation whatsoever, and without
 “ any dispensation already granted by the pope, or any
 “ authority of the See of Rome, or any person what-
 “ ever, and without thinking that they are, or can be
 “ acquitted before God or man, or absolved of this

“ declaration, or any part thereof, although the pope
 “ or any persons or authority whatsoever, shall dis-
 “ pense with or annul the same, or declare that it was
 “ null and void from the beginning.”

After this full, explicit, and sworn declaration, we are utterly at a loss to conceive on what possible ground we could be justly charged with bearing towards our **MOST GRACIOUS SOVEREIGN ONLY A DIVIDED ALLEGIANCE.**

XIII.

The Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right, title, or interest, which their ancestors may have had therein, declare upon oath, “ that they will defend to the
 “ utmost of their power, the settlement and arrangement
 “ of property in this country, as established by the
 “ laws now in being.” They also “ disclaim, dis-
 “ vow, and solemnly abjure, any intention to subvert
 “ the present Church Establishment, for the purpose
 “ of substituting a Catholic Establishment in its stead.
 “ And further, they swear that they will not exercise
 “ any privilege to which they are or may be entitled,
 “ to disturb and weaken the Protestant Religion and
 “ Protestant Government in Ireland.”

XIV.

Whilst we have, in the foregoing Declaration, en-

deavoured to state, in the simplicity of truth, such doctrines of our Church as are most frequently misunderstood or misrepresented amongst our fellow-subjects, to the great detriment of the public welfare, and of Christian charity; and whilst we have disclaimed anew those errors or wicked principles which have been imputed to Catholics, we also avail ourselves of the present occasion, to express our readiness, at all times, to give, when required by the competent authority, authentic and true information upon all subjects connected with the doctrine and discipline of our Church; and to deprecate the injustice of having our faith and principles judged of by reports made of them by persons either avowedly ignorant of, or but imperfectly acquainted with, the nature of our Church Government, its doctrines, laws, usages, and discipline.

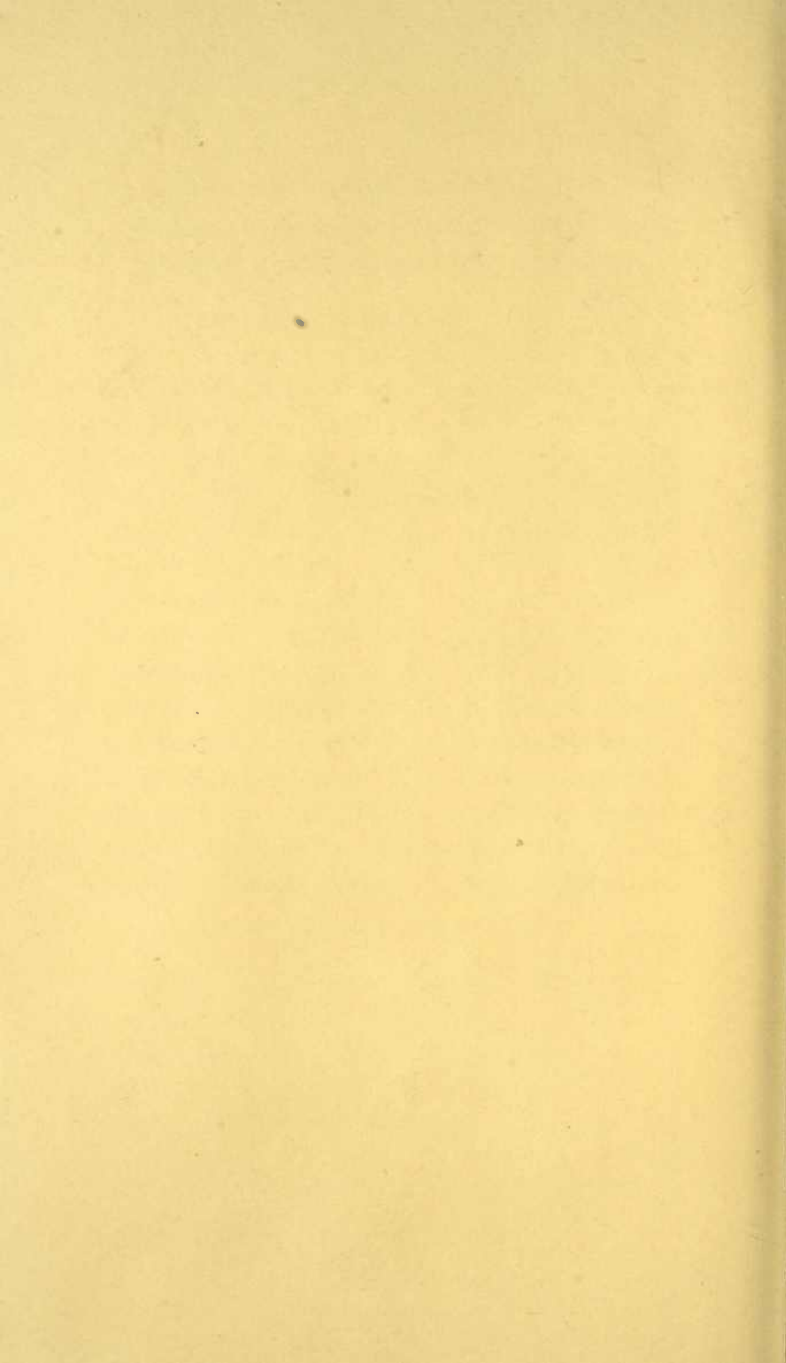
This Declaration we approve, subscribe, and publish, as well that those who have formed erroneous opinions of our doctrines and our principles, may be at length undeceived, as that you, dearly beloved, be made strong in that faith which you have inherited as “the children of saints, who look for that life which God will give to those that never changed their faith from him.”—Tob. ii. 18.

Reverend Brothers, beloved Children, " Grace,
mercy, and peace," be to you " from God the Father,
and from Christ Jesus our Lord."—1 Tim. i. 2.

DUBLIN, 25th January, 1826.

✠ Patrick Curtis, D. D.	✠ Daniel Murray, D. D.
✠ Oliver Kelly, D. D.	✠ Robert Laffan, D. D.
✠ Farrell O'Reilly, D. D.	✠ J. O'Shaughnessy, D. D.
✠ Peter M'Loughlin, D. D.	✠ Thomas Costello, D. D.
✠ James Magauran, D. D.	✠ Kiaran Marum, D. D.
✠ Geo. T. Plunkett, D. D.	✠ Peter Waldron, D. D.
✠ James Keating, D. D.	✠ John Murphy, D. D.
✠ Charles Tuohy, D. D.	✠ James Doyle, D. D.
✠ Edward Kiernan, D. D.	✠ P. M'Nicholas, D. D.
✠ Patrick Kelly, D. D.	✠ P. M'Gettigan, D. D.
✠ Cornelius Egan, D. D.	✠ Edmund Ffrench, D. D.
✠ William Crolly, D. D.	✠ Thomas Coen, D. D.
✠ Patrick Maguire, D. D.	✠ Robert Logan, D. D.
✠ Patrick M'Mahon, D. D.	✠ Patrick Burke, D. D.
✠ John M'Hale, D. D.	✠ John Ryan, D. D.





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DOYLE, JAMES W.
AN ESSAY ON THE CATHOLIC CLAIMS

